

## SENATE—Thursday, April 3, 1980

(Legislative day of Thursday, January 3, 1980)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by Hon. DENNIS DeCONCINI, a Senator from the State of Arizona.

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, as we join the throng making our pilgrimage to the foot of the cross may we grasp anew the meaning of Thy Son, laying down His life for imperfect men, transforming darkness into light, death into life, defeat into victory. Show us again that however evil this world, Thou dost never leave us nor forsake us but Thou dost love us with an everlasting love even to the cross and death. As we celebrate the sacred events, take from us and from this world the doubt and fear, the violence and the suffering of Friday and replace it with the radiant joy and power of the resurrection day. Breathe upon this world the new breath of life, the way of trust and hope, the way of justice and peace, the way of Thy kingdom. Keep us true and strong in our service to Thee and to this Nation until all shadows flee away and every day is Easter.

In the name of the Great Redeemer we pray. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., April 3, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DENNIS DeCONCINI, a Senator from the State of Arizona, to perform the duties of the Chair.

WARREN G. MAGNUSON,  
President pro tempore.

Mr. DeCONCINI thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

## EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate

go into executive session for not to exceed 5 minutes to consider the nominations on the Executive Calendar beginning with "New Reports," beginning with the Judiciary, Truman McGill Hobbs, of Alabama.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—the purpose of the reservation is to advise the majority leader that Truman McGill Hobbs, of Alabama, to be U.S. district judge for the middle district of Alabama, has been cleared on our Executive Calendar, and I am pleased to be able to announce to the majority leader and to my friend from Alabama, Senator HEFLIN, that we have no objection to the consideration of his confirmation.

## THE JUDICIARY

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Truman McGill Hobbs, of Alabama, to be U.S. district judge for the middle district of Alabama, vice a new position created by Public Law 95-486 approved October 20, 1978.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, initially I would like to thank the majority leader, the minority leader, Senator KENNEDY, the chairman of the Senate Judiciary Committee and the committee's most capable staff for expediting the confirmation process of my good friend, Truman Hobbs.

The middle district of Alabama is now composed of three district judgeships. At the present time two of these positions are vacant. Judge Robert Varner, the only permanently assigned judge, has been plagued with medical problems over the last year. Even though district judges have been temporarily assigned to the middle district, the people of Alabama are urgently in need of additional permanent judicial assistance. Chief Judge J. P. Coleman of the Fifth Circuit Court of Appeals, Judge Varner, and Judge Frank Johnson, former presiding judge of the middle district of Alabama, requested that the Senate act on Truman Hobbs' nomination as rapidly as possible. Senator STEWART and I requested the committee that this nomination be heard at the earliest possible date in order to alleviate the crucial predicament of the U.S. District Court for the Middle District of Alabama. We are most appreciative of the committee's assistance in this matter.

Mr. President, I am delighted to

wholeheartedly recommend Hon. Truman M. Hobbs to the U.S. Senate for the position of U.S. district court judge for the middle district of Alabama. It was my pleasure to recommend Mr. Hobbs to the President for this position, as it was my honor in 1968 to make the nomination speech of Truman Hobbs for president of the Alabama Bar Association, where he most admirably served.

Truman Hobbs possesses the highest traits of industry, intelligence and integrity. A Phi Beta Kappa graduate of the University of North Carolina, where he was president of the student body, recipient of the Navy-Marine Corps Medal and Bronze Star for action in Anzio while serving his country during World War II in the U.S. Navy, he received his law degree from Yale University School of Law, and served as Law Clerk to U.S. Supreme Court Justice Hugo Black of Alabama. He has successfully been in the private practice of law in the State of Alabama since 1949, and is presently senior partner in one of Alabama's most respected and distinguished law firms.

In addition to serving as president of the Alabama Bar Association, Truman Hobbs has served as president of the Alabama Trial Lawyers Association, and Montgomery County Bar Association; is a fellow of the American College of Trial Lawyers, and the International Academy of Trial Lawyers, two of the most prestigious organizations of the legal profession that a trial attorney may be selected to join. Truman Hobbs also serves on the advisory board of Cumberland School of Law, board of trustees at Jones Law Institute and Huntingdon College, and on the board of directors of the Law School Foundation of the University of Alabama. His distinguished father, Judge Sam Hobbs, served in the House of Representatives for many years, and one of his legislative achievements, the Hobbs Act, is frequently mentioned in this Chamber. His brother, Sam Earle Hobbs, a practicing attorney of Selma, Ala., was a classmate of mine in law school and is one of my close friends. He is a former law professor at the University of Alabama and has served for many years as a member of the board of trustees of that institution. The Hobbs family is one of the South's most distinguished and productive families in the field of public service.

During the period I practiced law and served on the bench, I do not believe that any district in the United States heard and determined more significant litigation affecting the constitutional rights of the individual and the evolution of the judicial system of the United States than the U.S. District Court for the Middle District of Alabama. This district was

• This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

served for more than 20 years by one of the great jurists of this century, Judge Frank M. Johnson, who was elevated last year to the U.S. Court of Appeals for the Fifth Circuit.

I might add that the American Bar Association has rated Truman Hobbs as being "exceptionally well qualified" for this position. This is the ABA's highest rating, and Mr. Hobbs is only the 6th individual to receive this rating of some 165 nominees to be considered by the U.S. Senate in the 96th Congress. Since Judge Johnson also received this highest of ratings, I would like to point out to the Senate that two of the six nominees receiving this rating have come from the middle district of Alabama. Truman Hobbs is the third out of 127 district court nominees to receive this highest rating.

Mr. President, it is my honor and pleasure to give Truman Hobbs the strongest possible recommendation as the U.S. Senate considers his confirmation for the position of U.S. district judge for the middle district of Alabama.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. ROBERT C. BYRD, Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. HEFLIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of Mr. Hobbs.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD, Mr. President, I ask that the time taken thus far not be charged against the leader's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE OLYMPICS

Mr. ROBERT C. BYRD, Mr. President, our Nation has been faced with a dilemma: Whether or not we should attend the Moscow Olympics. The Olympic tradition of good sportsmanship and personal honor is a tradition we respect. But the dilemma has been whether—in pursuing these goals—we should accept the hospitality of, and lend prestige to, a nation that is violating the most basic norms of acceptable international conduct.

After some weeks of consideration, the

President and the Congress decided that we should not attend the Olympic games in Moscow this summer. To understand this decision, we must look at the actions of the Soviet Union over the last several months.

Since last December, the Soviet Union—a large industrialized nation of 260 million people, or thereabouts—has perpetrated many wrongs in Afghanistan—a small, proud developing nation of 21 million people.

Afghans have been thrown into jail as political prisoners; Afghans have been driven from their homes into refugee camps; religious groups and mosques have been fired upon.

World reaction has varied from economic sanctions and statements of moral outrage to complacency. Those who are complacent seem to argue that Afghanistan is very far away, and that, besides, it is on the Soviet border, as if the Soviets somehow have a license to envelop their neighbors. This complacency is an affront to the nations that border the Soviet Union, and to the people of those nations.

The reaction of our own country has been up to this time, I think, exemplary. American farmers, at the expense of their own well-being, have, in general, backed the grain boycott. American businesses have made sacrifices, in canceling orders for high technology that were to go to the Soviet Union. American longshoremen have expressed their support, by refusing to load Soviet ships, even though the longshoremen suffered a financial loss as a result.

Through these actions, the United States has set the pace for a firm but nonviolent response to the Soviet action. These positions were taken early, and the American people, including those having to make personal sacrifices, have not wavered.

But the deadline for entries into the Moscow Olympics is May 24. As that deadline approaches, we continue to hear suggestions that we should break ranks with our policy of firmness, and permit our Olympic team to enter the Moscow games. The arguments are that the Olympics are "above" politics, and that the Olympics call for an exception to our general response.

Some say it would be easier to look the other way and to proceed to the Olympics and to compete. I do not agree.

The modern Olympics, whatever their original intent, have become a political statement. They are media events of the first order. Nations compete for the prestige and honor of hosting them. Since World War II, Italy, Japan, and West Germany have hosted the Olympics as a sign that new and peaceful nations have emerged from the ashes of the old order. Mexico held the games in 1968, sending a signal that it was a proud and independent nonaligned nation. While some nations have demonstrated their desire for peace through the Olympics, other nations have used the Olympics for the glorification of martial values. Ger-

many under Hitler did this in 1936, seeking to establish the credibility of the Nazi regime.

Those of us who participated have since been ashamed that we did so. And now the Soviet Union seeks to do the same with the 1980 Olympics.

At its most fundamental level, athletics is applied ethics—a code of personal conduct on the playing field. It is this code that gives the Olympics the aura of a principled event, and the Soviets clearly are hoping some of that aura will rub off on them. But the ethics do not stop at the edge of the playing field. They extend to the much larger arena of the conduct of other nations. The Olympics represent only a microcosm of this larger play of events. And the Olympics this year pose a test of principles, for it is these very principles that cause our Nation to take the steps necessary to deprive the Soviets of their unearned honor. To do otherwise would be to corrupt the spirit of the Olympics, by allowing the Soviets to use this principled event toward their own unprincipled conduct.

Finally, the view that the Olympics are somehow "above" politics implies that there is something that is automatically and inherently "low" about politics. But there is nothing "low" about the politics of principle.

There is nothing low about standing up for the rights of the people who have been overrun, who have been murdered, who have been driven from their homes, who have been thrown into prisons, who have become refugees in other countries.

There is nothing "low" about speaking out against firing squads, or the destruction of a homeland.

There are also additional important reasons pertaining to the conduct of nations. A boycott of the Olympics raises the cost of aggression to the Soviets, as a deterrence to future aggression. A defense of the independence of Afghanistan is a defense of the independence of Third World countries everywhere, an independence to be respected.

These are limited responses to a situation caused by the Soviet Union. We have no desire to rekindle the Cold War. Our steps are determined, but measured—tailored to the circumstances that now confront the world. A boycott of the Olympics is consistent with this measured response. To do otherwise, to attend the Olympics as "business as usual," is to put the stamp of approval on the Soviet invasion of Afghanistan.

For these reasons, I appeal to the U.S. Olympic Committee to state unequivocally that it will not enter the Moscow Olympics. I hope that the committee will make this decision. It is not a decision that Congress should have to legislate, or that the President should have to dictate. Nor is this a time to "wait and see."

I do not favor any step that would undermine the Olympic movement. By abstaining from the Moscow Olympics, we seek to maintain the values upon which the Olympics were founded—peaceful, nonbelligerent conduct among nations.



We seek to persuade, not to direct, and the voice of persuasion has been clear. The President has given his reasons in unequivocal language. The Senate voted for an Olympic boycott by a vote of 88 to 4; and the House of Representatives did the same by 386 to 12. Public opinion polls show that the American public consistently supports a boycott.

We are taking this measured response to the Afghanistan invasion in hope of deterring future aggression by raising the price of the resort to force. If hostilities were to ensue, everyone would be forced to sacrifice. In the past, we have had to ask the young to make the supreme sacrifice of their lives. We hope such a sacrifice will never have to be asked again.

I urge the Olympic committees of other nations to support a boycott, and I applaud those governments around the world that have supported our own Government's call for a boycott.

I urge our own Olympic Committee, and the Olympic committees everywhere, to join in what is an appeal to the principles for which the Olympics stand.

#### LEGISLATIVE SCHEDULE

Mr. ROBERT C. BYRD. Mr. President, on another subject, I should say before the Senate recesses for the Easter holiday that there are only 96 working days left until October 1, not including today, not including October 1, not including any Saturdays—96 working days. That figure includes Fridays through May, on which I have said we will attempt to avoid any rollcalls except in the case of an emergency, but during which Fridays the Senate would still have work to do and could conduct business. There are 96 working days.

This excludes the other holidays that the Senate will be recessing for and, of course, excludes the time out for the Republican Convention in July and the Democratic Convention in August.

Mr. President, on the calendar there are 61 measures but most of those measures, a good many of them, certainly—most of them, yes, indeed—came over from last year, through Calendar Order No. 577, as a matter of fact. They came over from last year. The calendar was pretty well cleared last year in anticipation of the time that would be needed on which to legislate the windfall profit tax, synthetic fuels, and an Energy Mobilization Board, and also in anticipation of the time that would be required to debate the SALT II treaty.

Finally, as it was apparent that the Senate would not be able to get to the SALT II treaty last year, it was stated by me that the stage would be cleared for debate on the SALT II treaty at the beginning of this second session.

So, the leadership made every endeavor, and was quite successful in carrying out the endeavor, to clear the calendar of legislation that was "must"

legislation. It was evident then, and I so stated and I repeat today, that there were measures carried over beyond the first session that will never be called up. I say that in explanation of the fact that we have 61 measures on the calendar and we shall not be doing any work on them today.

Some of those measures are backup pieces of legislation for the energy bills that are in conference. Once those two energy conferences on synthetic fuels and the Energy Mobilization Board have completed their work and the conference reports have been adopted, then these half-dozen—give or take—measures that are on the calendar will be indefinitely postponed.

There are other measures on the calendar against which points of order would lie because of budgetary problems—the fact that the budget ceiling has been breached—not necessarily because of actions we have taken ourselves but because of the impact of inflation. So those measures cannot be taken up at this time because of the fact that points of order would lie against them. There are other measures on there, a very few others, which will probably be called up at some point but, for good reason, cannot be called up just now.

For example, the Criminal Code legislation, the death penalty legislation—it is quite likely that, at some point in the session, these will be called up. But at the moment, those who manage the bill are not present to do so.

Now, Mr. President, underlying all this is a mood in this country that this is no time for a lot of new programs, costly programs. The leadership recognizes that mood, recognized it last year, and the Senate, in its actions, I think, has reflected that mood. We have very serious problems in this country involving inflation, the economy, the budget, and in keeping with the necessities for dealing with these serious problems, this is no time to pass a lot of new programs, a lot of costly programs. The thrust of our efforts now is to balance the budget. That has become more difficult every day, with the high interest rates that this country is experiencing, which, in themselves, I think, contribute to inflation, increase the interest on the national debt, run the risk of creating a lot of unemployment. Whenever there is a 1-percent increase in unemployment, there is something like a \$20 billion impact on the Federal budget.

So we have very serious budgetary problems and this Congress is trying to wrestle with the budget. In doing so, I think the center of the stage is going to be just these subjects that I have talked about. When I say just them, I do not mean precisely that, but in the main.

That will explain, in part, the pace of the Senate and what I anticipate down the road. We shall have the regular appropriations bills that will be coming along, but they have to come from the other body by custom. This body is proceeding, in its subcommittees, to consider

the appropriations bills, but they will not be marked up in full committees until they have been received in the Senate from the House. They will not be coming along until about June. The "must" authorization bills will be coming out of committees in time; the committees are working on them.

So, as I see it as of this moment, in the main, these will be the objects of our attention during this session. This is not to say that the Senate will not act on measures that are outside the category of necessary authorizations and appropriations—authorizations that deal with expiring programs and so on. But, in the main, I think that the American people expect us to do everything we can to deal with the budgetary problems.

Everyone should expect to sacrifice and to feel the budgetary pinch, to some extent, and Congress, itself, can help to set the pace by being wise in its judgment as to the enactment of new and costly programs that can be delayed.

So, Mr. President, having said that, I hope that our committees will proceed as expeditiously as possible with the legislation that must be done, and I hope that Congress can adjourn sine die by October 1, if not before. That is clearly a hope—that is a hope. But keeping in mind that the second concurrent resolution on the budget is to be in place by September 15, I think we ought to bend every effort to attempt to make that deadline.

I also hope that the conferees in both Houses will redouble their efforts to deal with matters that are in conference. There are 22 measures in conference. Most of them have been in conference since last year. Certainly, some of the heavyweights among the legislation have been in conference since last year, if not most of the measures. Yes, I would say most of the measures have been in conference since last year. So I hope that our conferees will redouble their efforts to clear these matters in conference and allow the two Houses to get final action thereon.

Mr. President, I take this occasion, while I am on my feet, to express appreciation to the distinguished minority leader and the minority for the cooperation that the majority has received up to this point in this new session. Also, I express my very fondest good wishes to the minority leader, as he and some other Senators will be undertaking an important assignment during the recess.

I wish for all Senators a period of rest and repose and an opportunity to count our blessings and to be thankful for the many things that Americans enjoy that are unknown to the other people in this world.

I also wish to say, Mr. President, that de Tocqueville, I think, was right when he referred to the American as the "incredible American." He said that the American believes that if something has not yet been accomplished, it is because he has not yet attempted it. It is my belief that the incredible American can

deal with the problems of today as he has dealt with the problems of yesterday. For centuries, the American—I should say every man—every man for centuries has stood on the Earth and gazed longingly at the Moon.

But it was for an American in this century to be the first to stand on the Moon and look lovingly upon his planet, his home, Earth.

I believe that the incredible American can deal with the problems of today even though many of them are international in scope. I think Americans will make it and we will not go under by any means.

I think we, today, as we always have, hold the destiny of this country in our hands.

I have confidence, as we look beyond the Easter period, that if we assign our talents and our labors to the job, we can get it done.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Senator from Tennessee.

Mr. BAKER. I thank the Chair.

Mr. President, I rise to express my appreciation to the majority leader for his description of the items that he contemplates as the business of the Senate for the balance of this year.

I share with him the hope that we can conclude the business of the Senate and adjourn sine die early this fall.

I am willing to embrace the hope expressed by the majority leader that we can do that on October 1, or prior to that time.

I am willing to cooperate in trying to make that happen.

Mr. President, I express my appreciation to the majority leader for his good wishes today on the beginning of the Easter recess and I reciprocate. I wish him well during that much deserved time of no legislative activity.

Mr. President, I, too, believe that America's future is before it. I do not believe for one moment that we have exhausted our reservoir of greatness, of enthusiasm, or of optimism.

I acknowledge the depth and the severity of the problems that confront this Nation, but I predict the country will prosper in spirit, in wealth, and in strength.

I think the economy is essentially sound. I think we take necessary steps to bring into balance our fiscal accounts and to set the example for financial responsibility.

At the same time, I do not believe we will shirk our duty to remain sensitive to the needs of those who cannot adequately provide for themselves. We aspire to provide for America at such a rate as to eliminate abject poverty in this Nation within our lifetime.

I am optimistic that while doing these things we can remain strong, and grow stronger as the needs of a hostile world may require.

In a word, Mr. President, I believe

that America's greatness is clearly before it, that we have not yet lived it. I believe that those of us here in the Senate have a special obligation to attend to those aspirations, and a special privilege and opportunity to shape them.

So, as we leave on this time of Easter recess, I reiterate to the majority leader, on behalf of every Member on this side of the aisle, our determination to work for the enhanced good, prosperity, and strength of this Nation, and to do so in a spirit of sensitivity and humanity.

#### EXECUTIVE SESSION

Mr. BAKER. Mr. President, I have two requests for time, if I have any time remaining under the standing order, and I would yield, unless the majority leader has further need for his time at this moment.

Mr. ROBERT C. BYRD. Mr. President, will the minority leader yield 30 seconds that we might complete the Executive Calendar on page 2, the nominations?

Mr. BAKER. Mr. President, I am happy to do that.

I might say to the majority leader that the remainder of the items are cleared on our calendar and we are prepared to go forward with their consideration.

Mr. ROBERT C. BYRD. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate go into executive session, not to exceed 30 seconds, to consider the nominations on the Executive Calendar, beginning with Department of Commerce on page 2.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominees be considered and confirmed en bloc, that the motion to reconsider en bloc be laid on the table, and I move that the President be immediately notified of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF COMMERCE

Herta Lande Seidman, of New York, to be an Assistant Secretary of Commerce.

#### SECURITIES AND EXCHANGE COMMISSION

Stephen J. Friedman, of New York, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1981.

#### DEPARTMENT OF STATE

Julian Nava, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Joseph C. Wheeler, of Virginia, to be Deputy administrator of the Agency for International Development.

#### U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

David Bronheim, of Connecticut, to be an Associate Director of the U.S. International Development Cooperation Agency.

#### UNITED NATIONS

Joan Edelman Spero, of New York, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

#### LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the time of the minority leader, once it has expired, the Senate then proceed to the consideration of routine morning business, for not to exceed 1 hour, and that Senators may speak during that period.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield 1 minute to the distinguished Senator from Vermont.

Mr. STAFFORD. I thank the minority leader for yielding to me.

#### GOOD NEIGHBOR DAY

Mr. STAFFORD. Mr. President, I take this 1 minute simply to say that the people of my home State of Vermont have always practiced being good neighbors, each to the other; in fact, not only within the State, but to what have traditionally been good neighbors, the Province of Quebec to the north of our State, New York on the west, New Hampshire on the east, and Massachusetts on the south.

Mr. President, acting on behalf of our Green Mountain State, our Governor has proclaimed May 25, 1980, to be Good Neighbor Day in Vermont.

Mr. President, I ask unanimous consent that the proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

#### PROCLAMATION

Whereas, the United States ranks as one of the few nations extending freedom and refuge to persecuted people from other countries; and

Whereas, the State of Vermont also has become a haven for people who flee from crime in our nation's cities; and

Whereas, the State of Vermont and the native Vermonters are proving with their open welcoming arms and warm hospitality what it means to be a good neighbor to



strangers seeking the safety, peace, and freedom from fear; and

Whereas, the people of Vermont have been showing the true meaning of being a good neighbor; they are concerned Americans who care;

Now, therefore, I, Richard A. Snelling, Governor of the State of Vermont, do hereby proclaim Sunday, May 25, 1980, as Good Neighbor Day in Vermont. I am confident that we will each make a sincere effort to ensure the Good Neighbor Day is a gesture of brotherly love.

#### INTERNATIONAL PARLIAMENTARY UNION

Mr. STAFFORD. Mr. President, I have listened with great interest and admiration to the majority and minority leaders. I appreciate the good wishes of both.

I am sure both leaders will wish our group well going to Union Interparliamentaire in Oslo, Norway, on Friday, because we will need good wishes.

We are going to have a difficult time with our friends from the bloc nations, and the Soviet Union, over most of the issues plaguing us in foreign policy fields at the present time.

Mr. BAKER. Mr. President, I do, indeed wish to express my appreciation to the Senator from Vermont and the remainder of the bipartisan delegation making that journey and undertaking that responsibility.

The Senator from Vermont has been extraordinarily active in the International Parliamentary Union. Indeed, he is one of the international officers of that group, and I believe the senior Senate member of our delegation at this time.

I would like to pay my special tributes to him for his diligence and dedication in respect to that undertaking and the sacrifice of time and energy that goes with it.

Mr. ROBERT C. BYRD. Mr. President, I wish to express likewise, along with the minority leader, my good wishes to the distinguished Senator and my admiration for him in his constant, consistent enthusiasm for this task, and for the patience and dedication which he has continued to apply toward it.

He certainly brings great credit to the Senate in this regard.

Mr. STAFFORD. I thank the Senator.

#### ORDER THAT SENATORS MAY HAVE UNTIL 5 P.M. TODAY TO INTRODUCE CERTAIN MATERIAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may have until 5 o'clock p.m. today to introduce statements and bills and resolutions into the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER THAT COMMITTEES MAY HAVE UNTIL 6 P.M. TODAY TO FILE CERTAIN MATERIAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that commit-

tees may have until 6 o'clock p.m. today to file bills and reports and conference reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORITY FOR CERTAIN ACTION DURING RECESS OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until Tuesday, April 15, the Secretary of the Senate may be authorized to receive messages from the other body and/or the President of the United States; that the messages may be appropriately referred; that during that period, the Vice President of the United States, the President pro tempore of the Senate, the Acting President pro tempore, and I, ROBERT C. BYRD—in the event one of the other individuals is not available—may be authorized to sign all duly enrolled bills and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE PLIGHT OF THE CAMBODIAN PEOPLE

Mr. BAKER. Mr. President, with so much of our attention focused on Iran, the Persian Gulf, and the Soviet threat and our own security, I believe it important to remember that the survival of an entire people remains threatened in Southeast Asia. We should not lose sight of the vast suffering and deprivation which continue to exist in Cambodia. Yesterday, in this Chamber, the the Senator from Missouri (Mr. DANFORTH) spoke with simple eloquence of the tragedy that has overtaken the people of Cambodia and of the greater tragedy that may yet occur.

Mr. President, the plight of the Cambodian people, victims of a cynical brand of international politics they will never understand, remains desperate. The international relief effort undertaken in recent months has had a significant impact and has served, thus far, to prevent the total collapse of the region.

We can be grateful that the predicted extinction of the Cambodian people has not occurred because of these efforts, funded in large part by the generosity of the American people. While our success remains tentative and elusive, and we have been disappointed by continuing problems with monitoring and distribution, it appears that we have at least been able to avoid what would have been the virtual destruction of a people.

That we have been at all successful is attributable largely to Senator DANFORTH and his colleagues, Senators SASSER and BAUCUS, who went to Cambodia and Thailand in October 1979, on behalf of the Senate.

This delegation focused the attention of Congress and the American people on the true potential of the situation in

Cambodia. They conducted this most difficult mission as one of humane imperative and compassion, and through their efforts we in the Senate were made conscious and aware of the painful, brutal reality of mass starvation in Cambodia. It was this trip—the first in a series of official U.S. visits to the region—that brought to us the stark picture of acute human suffering and elicited our prompt and compassionate response. Senator DANFORTH and his colleagues also delivered to the people and officials of Cambodia, Vietnam, and Thailand a message of sincere American concern void of political motive or intent.

Senator DANFORTH's advocacy of direct truck delivery of relief to the Khmer via Thailand identified a means of overcoming the logistical impediments to efficient relief. His expertise, developed in the visits to Khmer encampments at the border and in meetings with government officials in Phnom Penh and Bangkok, has been of immeasurable value to his colleagues and to the administration. In the ensuing months, he has worked to insure that the American public, private voluntary organizations, and the U.S. Government remain sensitive to the tragedy in Cambodia.

Senator DANFORTH and his colleagues brought the case of the Cambodians directly to the people of our country, and we were compelled to respond. He was noticeably touched by the entire experience, and I believe he has served the Senate in the most fundamental way by conveying to us this personal and moving experience.

Mr. President, the crisis of the Southeast Asian refugees continues and their plight remains far from secure. Yet, we should be aware that in the intervening months since the Danforth delegation visited the region and reported back to us, the health and living conditions of the people have improved dramatically. We have a number of dedicated organizations and individuals to praise for this result, but I did want to recognize again the selfless efforts of the Senator from Missouri and his immeasurable contribution in averting what would have been the greatest of human tragedies.

#### ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 1 hour.

#### DR. HOWARD E. SKIPPER RECEIVES CANCER RESEARCH AWARD

Mr. HEFLIN. Mr. President, I should like to take this time to say a few words about an Alabamian of whom I am most proud. I am pleased to announce that Dr. Howard Earle Skipper, of Birmingham, has received the third annual Bristol-Myers award for distinguished achievement in cancer research.

This prestigious award carries with it

a \$25,000 cash prize and is given to a scientist selected by a five-member panel of judges from cancer research centers at Baylor, Chicago, Johns Hopkins, Stanford, and Yale Universities. Each university participates in a \$2.5 million grant program funded by the Bristol-Myers Co. to promote unrestricted, innovative cancer research.

Dr. Skipper is president of the Southern Research Institute in Birmingham, Ala., and is director of its Kettering Meyer Laboratory.

He is being honored for his landmark discovery of the basic principles for prescribing doses and schedules of anti-cancer drugs that permit the drugs to kill malignant cells faster than they can grow back.

In research of leukemia L1210 in mice, Dr. Skipper developed the theory, now accepted in human therapy, that a given dose of a given drug kills about the same percentage, not the same number, of widely varying cancer cell populations.

This ability to determine effective doses led to the wide acceptance of chemotherapy for treating cancer. Chemical control of cancer has now been achieved for at least half the patients with 11 different types of disseminated cancer, such as childhood leukemia, Hodgkin's disease and Wilms' tumor.

Dr. Skipper is among elite and erudite company in winning this high award. The first recipients were Drs. Elizabeth and James Miller of the University of Wisconsin's McArdle Laboratory. These distinguished scientists discovered that most chemicals must first be activated within the body before they can cause cancer.

The only other recipients of this award, Drs. Werner and Gertrude Henle of the Joseph Stokes, Jr., Research Institute of the Children's Hospital of Philadelphia, were honored last year for their identification of the first virus regularly associated with human cancers.

Mr. President, I am most proud that an Alabamian, Dr. Howard Earle Skipper, has received this award. Dr. Skipper is truly a pioneer in cancer chemotherapy and his work has and will save many, many Americans from the agony and suffering of cancer. I applaud him for his most successful past efforts and I wish him the very best for his continued success in this vital field of research.

#### SEPS

Mr. HEFLIN. Mr. President, I invite the attention of Senators to a very important space system which is being studied at NASA's Marshall Space Flight Center in Huntsville, Ala.

The system is called SEPS, the solar electric propulsion stage, and its purpose is to augment the capability of our Nation's space shuttle program. For example, after spacecraft have escaped Earth's gravity, the SEPS could propel these ships through interplanetary space. The SEPS could also be used to maneuver satellites which are in orbit around the Earth. Had SEPS been available last

year, it could have pushed the Skylab to a higher orbit, preventing the destruction of this space based laboratory.

SEPS is particularly desirable for long duration space missions with heavy scientific experiment packages because the amount of fuel SEPS requires is considerably less than that required for chemical propulsion. Specifically, a spacecraft driven by a SEPS requires an amount of fuel equal to its weight; a spacecraft driven by chemical propulsion requires fuel which weighs 5 to 10 times more than the vehicle. Clearly, the SEPS offers a tremendous fuel savings over chemical rocket propulsion.

The mission which has received the most attention regarding the use of SEPS is a program to send a spacecraft to fly past Halley's Comet and then to rendezvous with the Temple 2 Comet. Scientists are interested in studying comets because they are thought to contain material preserved from the time of the birth of the solar system.

Halley's Comet is particularly important in this regard because it is thought to have retained an extraordinarily large amount of primordial material. Halley's Comet comes into the inner solar system only once every 76 years. Without the development of SEPS, NASA will lose an opportunity available only once in every 76 years to broaden our understanding of the origins of our solar system.

NASA requested \$20 million in the fiscal year 1981 budget to begin the development of SEPS. Their request was denied by OMB. As you all know, I feel strongly about any additional spending in times of fiscal constraint. However, I also believe that the development of SEPS should be initiated in the fiscal year 1981 budget to protect future mission options which are being considered by NASA and to achieve future cost savings.

I ask unanimous consent to have printed in the RECORD a brief newspaper article, to make my colleagues familiar with SEPS, and I invite their support for this important space project.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### MSFC "KEY CENTER" FOR ION-DRIVE UNIT (By Dave Dooling)

Marshall Space Flight Center has been given the lead role in developing an exotic rocket propulsion stage—an ion-drive unit—for earth orbital and planetary probes, it was announced this morning.

William Sturdivant of the National Aeronautics and Space Administration's legislative affairs office in Washington, said Associate Administrator John Yardley made the assignment Monday afternoon.

"It makes Marshall the key center for definition and development."

The solar electric propulsion stage (SEPS), as it is formally known, is being studied by 18 persons at Marshall under a \$1 million budget. Marshall had been in competition with Lewis Research Center in Cleveland for the lead role in SEPS.

Yardley's memo did not cut Lewis out of the program but requests that Marshall use

the Lewis Center's expertise on the high-technology thrusters.

In effect, this makes Marshall the project manager and Lewis the thruster manager.

The 1980 budget request of \$3 million for Marshall would cover issuing Phase B contracts leading to a so-called new start in 1981. Marshall's approach has been to treat SEPS as an upper stage for the Space Shuttle rather than a part of a probe.

It would be built in modules that would not only fit interplanetary missions, but for satellites and communications platforms going into geosynchronous—or earth stationary—orbit.

Marshall's technology work has demonstrated the fold-up solar array with concentrating mirrors needed for comet missions, and electrical systems that go with large solar arrays.

The first mission seen for SEPS is a mid-1985 launch to fly past Halley's Comet and rendezvous with the Temple 2 comet.

Follow-on missions would map the Earth's long, tenuous magnetotail, 1985; send probes to the sun, 1986; and send an orbiter and two atmospheric probes to Saturn, 1987.

The concept has been known for years, but development has been strongest at Marshall in recent years. A pioneer in the field was Dr. Ernst Stuhlinger, retired associate director for science at Marshall.

In principle, the ion drive used by SEPS is similar to the electron gun in a television tube: a material is heated until electrons are stripped off, then propelled with an electric field.

While a TV tube uses just electrons, an ion-drive engine uses the entire atom, such as mercury, and spits out separate beams of electrons and positive ions.

The thrust is very low, less than a pound—far too weak to launch any payload from the Earth's surface. But the efficiency rating is several times higher than, say, the Shuttle main engine.

An ion-drive engine uses very little fuel but consumes large quantities of electricity. SEPS will use a solar cell array similar to the one developed for Marshall's 25-kilowatt power module.

The low thrust means that SEPS would be very slow in getting started, but the engines would operate continuously. This would mean that if the Voyager planetary probe had been powered by an ion drive, its trip to Jupiter could have been shorter and carried more payload.

Earth orbital tests of demonstration engines launched in 1970 have been very successful.

The PRESIDING OFFICER. The Senator from Montana (Mr. MELCHER) is recognized.

#### HIGH INTEREST RATES GORE MANY OXEN

Mr. MELCHER. Mr. President, nearly any business, in its effort to make its own particular business successful, fails to weigh the broad aspects of the economy which do not burden it directly. Whether it is a farmer, cowboy, butcher, baker, car dealer, trucker, miner, or lumberman, they do not seem to get heated up about the state of the economy until their particular ox is gored and their business starts to lose money.



So, too, with the news media business. Until their particular ox is gored there is not likely to be a dramatic presentation of the devastating effects high interest rates are having on various U.S. industries. High interest rates are killing the housing industry as well as the realtors. High interest rates have devastated the automobile industry along with host of their suppliers to the extent that they are nearing the perilous rocks of gigantic job layoffs with individual companies going entirely out of business.

The cattle industry is rocked with the effects that high interest rates have on it. Cattle feeders are liquidating lots of cattle before schedule. All farmers and ranchers are paying through the nose on the money they borrow and, added to the rising costs, producers know they must have good crops or suffer a serious financial setback this year.

These U.S. industries and many others have had their ox gored by high interest rates. To use high interest rates as a means of controlling inflation has not been effective, nor will it be effective in these industries. It only drives up their cost of doing business and in all too many cases it is so high as to drive them out of business.

While we can and will have a balanced Federal budget, that will only be a little help and small comfort to those who are crushed financially this year and next. I hope the news media—news-papers, magazines, television, and radio—with adequate advertising volume that pays their bills will not be blind to the serious effects high interest rates are having on other segments of our economy. I hope the news media can evaluate and report the serious repercussions and the sad consequences high interest rates are having on the American economy before the economic catastrophe of a depression occurs, rather than reporting the event after it happens almost as an obituary to the U.S. economy.

The serious signs that have already developed in basic U.S. industries point to a depression this summer unless this high tide of high interest rates is reversed immediately. That can be done by the Federal Reserve Board lowering the rediscount rate. Lowering the rediscount rate can effectively roll back interest rates.

I asked Federal Reserve Board Chairman, Paul Volcker, in a White House meeting last night, to do just that and to do it now. He indicated that he did not believe lowering the rediscount rate would be done until economic conditions showed a lessening of inflation. I warned him that the chain reaction that has already started to cripple our basic U.S. industries would rapidly lead the entire U.S. economy into a depression this summer and that the Board's quick reversal to effectively lower interest rates must come immediately to save it.

The growing evidence that high interest rates are actually feeding inflation and driving U.S. basic industries into depression outweighs economic theory. Before it is too late, I asked Volcker, act now.

Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. MELCHER assumed the chair.)

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, the able Senator from Montana (Mr. MELCHER), who is now presiding over the Senate, a few moments ago told the Senate that he feels that if firm steps are not taken by the Government at an early date, this country faces a severe economic dislocation, a severe recession.

I share those sentiments of the distinguished Senator from Montana. I think he is correct in his appraisal.

In determining the most effective course of action for the Government, for Congress and for the President, I invite the attention of the Senate to the proposal of the National Association of Realtors. It is called the "2-percent solution."

This formal plan was given to me several days ago by my friend and one-time neighbor, Mr. Charles R. Duvall, Jr., who is director of governmental affairs for the Virginia Association of Realtors.

The Virginia Association firmly supports the 2-percent solution proposed by the National Association of Realtors.

What the National Association of Realtors proposes in the 2-percent solution is to slow Federal spending by at least 2 percent.

In making this proposal the National Association of Realtors asserts that—

Inflation can be brought under control only if we get responsible federal policies, not by the President's recent cosmetic spending "cuts" and increases in taxes. The following policies—the 2 percent solution—should be followed for a real fight against inflation:

Mr. President, I subscribe to that recommendation of the National Association of Realtors. I favor the 2-percent solution, but my preference is for a 4-percent solution—reduce the President's spending total by 4 percent.

On March 20 I inserted in the RECORD detailed recommendations as to where the tremendous increase in spending proposed by the President can be reduced by 4 percent. I started with function 150 of the budget, namely foreign aid, and I went through functions up through 850, and I submitted detailed recommendations.

I am convinced if Congress has the courage, if Congress has the will, if Congress has the determination, it can cut \$26 billion from the proposed budget submitted by the President of the United States.

I do not say this can be done without some discomfort on the part of various groups who have been receiving large sums from the Federal Government. But my belief is, Mr. President, that this country is in such a serious, such a

grave, condition that there is no painless way out of our dilemma.

I think there must be virtually across-the-board reductions in proposed Government spending. Almost every knowledgeable person with whom I have talked in recent weeks has asserted that the most important thing the Government can do to control inflation and reduce interest rates is for the Government to put its own financial house in order.

We hear a great deal in the news media these days that the President has proposed reductions in spending, that the Congress is proposing reductions in spending, that the Budget Committees are proposing reductions in spending. Those assertions just are not the facts.

Let me give you some figures. Four and a half months ago, November 16, Congress approved spending for the fiscal year 1980, namely the current fiscal year, of \$548 billion.

The President this past Monday proposes spending for fiscal year 1981, the upcoming fiscal year, \$612 billion. That is an increase in spending of \$64 billion.

Is that the way to get spending under control? Of course, it is not.

I want to read another statement from the formal recommendation of the National Association of Realtors:

#### WHAT CAUSES INFLATION

Excessive growth in federal spending, higher taxes that add to the costs of production, the increasing cost of government over-regulation and the excessive growth of credit have been the major causes of the recent acceleration in inflation, increasing prices nearly 5 percent in 1979 alone. Government has accounted for over one-half of the acceleration in inflation from 4.8 percent during 1976 to 13.2 percent during 1979 and 18 percent so far in 1980.

(Mr. BOREN assumed the chair.)

Mr. HARRY F. BYRD, JR. Mr. President, I have a resolution from the Virginia Building Material Association signed by Richard H. Ferguson, president, and John H. Allison, secretary, and this is what that resolution says:

Further, let it be known that we believe the solution to our current economic plight to be as follows:

1. Government spending must immediately be cut significantly so as to produce a budget surplus. Programs to be eliminated or curtailed should be those which reward non-productivity.
2. Any surplus achieved should be returned to the taxpayers in a manner which rewards investment, thrift, and productivity.
3. The size of government must be reduced.

Mr. President, I subscribe wholeheartedly to each of those proposals.

In ending, I want to commend a newscast yesterday by David Brinkley. In his commentary he put in perspective just what is, or rather is not, being done in Washington to get inflation under control—and what is not being done to get Federal spending under control.

I end by saying that I support the 2-percent solution offered by the National Association of Realtors, except that I would amend that to make it the 4-percent solution.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. Twenty-two minutes remain.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that that time may be extended by one-half hour, under the same conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE UNITED STATES SENATE

Mr. ROBERT C. BYRD. Mr. President, on March 4, 1789, the day appointed for the beginning of the new Government, only eight U.S. Senators, among those already elected, assembled in the room assigned to the Senate in Federal Hall in New York City. The two Senators each from New Hampshire, Pennsylvania, and Connecticut were in attendance; one Senator from Georgia and one from Massachusetts were in attendance. More than a fortnight passed before any Senator appeared from New Jersey or Delaware. But, after 1 week of adjourning from day to day, the eight Senators sent a letter to the 10 other Senators who had been elected, urging their attendance. There was a severe storm that delayed the arrival of some of the Members. The Legislature of New York had not yet elected its Members and did not elect them until mid-summer.

At the end of another week, not a single additional Senator having appeared, a second and more urgent appeal was sent out. Finally, other Senators began to straggle in. It was April 6 before a quorum was established.

So, the Senate, which is really governed on the basis of precedents more than on the basis of its rules, was rather late a-borning, and thus set an early precedent for delay in the conduct of the people's business. The Senate met in an upper room in Federal Hall, and there are those who say that the term "upper House," may have resulted therefrom.

In any event, it was on April 30, almost 2 months after the inauguration of the new Government was supposed to have been accomplished, that President Washington spoke to Members of the House and Senate in joint session, and it was in the Senate that that joint meeting occurred.

There were 65 Members of the House of Representatives in that first session. It was almost to the end of the first session of that first Congress before 22 of

the Members of the Senate put in an appearance.

After the first census was taken in 1790, in accordance with the provisions of the Constitution, the House membership increased from 65 Members to 105 Members and, after each decennial census subsequent to 1790, until 1911, the number of Representatives continued to increase. In 1911, the figure was set permanently at 435 and, since that time, has remained at that figure. In 1840, there was an exception, when Representative Millard Fillmore, before he became President of the United States, blocked an attempted increase in the size of the membership of the House of Representatives.

The representation from each State in the House of Representatives is apportioned on the basis of population, with the proviso that every State is entitled to at least one Representative. On the very first day, a committee of five Senators was appointed to draw up rules for the governance of the Senate. That committee of five was made up of lawyers.

Ten days after a quorum had been assembled—a quorum having assembled on April 6, 1789—on April 16, the committee of 5 submitted its recommended 19 rules. The Senate resolved that those 19 rules would "be observed." Two days later, an additional rule was "subjoined to the standing orders of the Senate," bringing the total to 20 rules.

There was a revision in 1806, another recodification or revision in 1824, another in 1868, another in 1884, and another in 1979. The number of rules, I believe, reached 53 in 1888. Today, there are 50 rules, but according to the recodification which took final form in 1980—this year—there will be 42 rules.

Mr. President, the Constitution contains seven articles. The first article created the legislative branch, the second article the executive branch, and the third article the judicial branch—the three coordinate equal branches of Government.

Of course, the fourth branch of Government is the people from whom those who govern derive their powers to govern.

There are 26 amendments to the Constitution. One of those, the 17th amendment, provides for the popular election of Senators.

Prior to 1913, Senators were elected by the various State legislatures, but when the 17th amendment went into effect in 1913, upon its ratification, the right to elect Senators was vested in the people, and taken from the State legislatures.

In that first session of the U.S. Senate, there were 11 Members who had participated in the Constitutional Convention. There were seven who had been commanding officers in the Continental Army. There were four who were among the authors of the Declaration of Independence.

Among those first Senators was Robert Morris, who had been the financier of the Revolution, and William Maclay, from Pennsylvania.

It is Maclay's own personal notes on the deliberations of the Senate to which we turn and on which we must depend for much or most information concerning what went on. The Senate conducted its business behind closed doors the first 5 years of its existence, and Maclay's writings, some would say, were undertaken with a "jaundiced eye."

Maclay has been described by one authority as a person who suffered from nostalgia, headaches, dyspepsia, rheumatism, acrid humor, and a pronounced inferiority complex, but without his writings very, very little would be known about what went on in the Senate during the First Congress.

He was one of the most critical observers of the doings of the Senate in the first couple of years, especially.

The Congress performs many functions under the Constitution. One of those functions is the legislative function, of course.

In carrying out this function, in the main, there are two types of bills—private bills and public bills. Public bills are legislation of a general nature. Private bills deal with granting some form of relief to a particular individual in a particular situation.

The committees of the Congress, which are really basic to our legislative process under our constitutional system, are divided, in the main, into authorizing committees and appropriations committees.

Now authorizations and appropriations cannot normally be included in the same legislation because this would make the legislation subject to a point of order, if such point of order is raised. If no point of order is raised, of course, nothing untoward happens.

But the appropriations follow the authorizations. Only that which has been authorized can be appropriated for.

So, as a general rule, points of order can be raised against appropriation bills if there is legislation included in the appropriation bill, and vice versa.

There are the following standing committees in the Senate: Agriculture, Nutrition, and Forestry; Appropriations; Armed Services; Banking, Housing, and Urban Affairs; Budget; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Judiciary; Labor and Human Resources; Rules and Administration; and Veterans' Affairs.

There are four select committees: Ethics, Small Business, Intelligence, and Indian Affairs.

There is a Special Committee on Aging.

So, there are today 15 standing committees, four select committees, and one special committee.

Most of the standing committees have subcommittees, with the exception of the Rules Committee. The Committee on Rules and Administration used to have subcommittees, but, upon a motion which I made some years ago, the subcommittees were eliminated and the full committee does its work without the use of subcommittees.



In the past, there have been more than 15 standing committees, but at the present time that is the number of standing committees in the Senate.

In rule XXV of the Senate, the jurisdiction of each of these committees is set forth.

Bills and resolutions are referred to committees on the basis of which committee has the preponderance of jurisdiction over the subject matter, and, upon occasion, bills are jointly referred to two or more committees, especially when those two or more committees have a considerable amount of jurisdiction over the subject matter of the legislation.

Occasionally, bills are sequentially referred, meaning that they are referred to one committee, and after the reporting of such bills from that committee, they are referred to a second or third committee.

The legislative function, of course, involves hearings, markup of legislation, reporting of the legislation from the committees to the Senate Calendar, the issuance of committee reports accompanying the legislation, in most instances, and then the action by the Senate and the House—the measures having to clear both Houses in identical form. Any differences are resolved in conference between the two Houses.

Another function of Congress under the Constitution is the informing function. Woodrow Wilson said that the informing function of the legislative branch was as important as the legislative function. The Senate implements its informing function, and so does the House, by virtue of this great forum that is available; also, through the wire services, the press, the media, the franking privilege. With the use of these instrumentalities, the people in the furthestmost hamlet of the land are informed of what is going on.

The CONGRESSIONAL RECORD, itself, is a clearinghouse of information. One can find information on almost any subject, at one time or another, in the CONGRESSIONAL RECORD.

Another function of Congress is that of counting the electoral votes. The electoral college meets each December following a Presidential election; and at the beginning of the new Congress which immediately follows in January, the new Congress convenes in joint session, and two designees are appointed by each house. They count the votes, and the Vice President and the Speaker of the House preside. The roll of the States is called alphabetically, the electoral votes are counted, and the winner of the election is announced.

In the event no candidate gets a majority, the election is thrown into the House of Representatives for the President and into the Senate for the Vice President. In 1825, the election having been thrown into the House, John Quincy Adams won over Andrew Jackson, Henry Clay, and William Crawford.

Another function performed by Congress, under the Constitution, is that of originating constitutional amendments when two-thirds of the Members present and voting so determine. Such

proposed constitutional amendments are in the form of joint resolutions. This is an instance in which a joint resolution does not go to the President for his signature, as is the case when joint resolutions are used as the vehicles for the creation of statutes. The States then must ratify, if the constitutional amendment is to be ratified, by at least three-fourths, either in conventions or through their legislatures.

As I indicated a moment ago, 26 amendments to the Constitution have been ratified. Originally, 12 amendments were submitted, 10 of which were adopted, and they are referred to as the Bill of Rights. Since those first 10 only 16 amendments have been proposed and ratified.

Another function of the Senate is that of giving advice and consent to the approval of the resolution of ratification of treaties. Treaties are ratified not by the Senate, but only with the exchange of the instruments of ratification between the parties does the ratification actually occur, and that follows the approval by the Senate, such approval being manifested by a vote of two-thirds of those Senators present and voting. Even after the Senate gives its approval to the resolution of ratification of a treaty, the President may reject the treaty, if he sees fit.

Also included in the advice and consent function is that of approving or rejecting the nominations that are sent to the Senate by the President. Under the Constitution, certain officers of the Government, who are specifically set forth therein, or whose appointments are established by law, are nominated by the President and, with the advice and consent of the Senate, are appointed by the President. The President nominates the individuals; and if the Senate gives its approval by a majority vote, the President then appoints the individuals.

So the President has two steps in the process: He nominates and then later appoints the individuals to the office. Among those officers set out in the Constitution are the Judges of the U.S. Supreme Court, ambassadors, consuls, and such other officers as Congress by law, may designate.

Mr. President, in addition to the functions of the Senate which I have already set forth there is the trial function following on the impeachment function which rests with the House of Representatives.

The House of Representatives impeaches a civil officer for treason, bribery, or other high crimes and misdemeanors, and the Senate then conducts the trial of the individual.

In a case involving the President of the United States, the Chief Justice of the United States would preside over the Senate trial.

President Andrew Johnson was impeached by the House for "crimes not indictable" and failed of conviction by the Senate by only one vote.

The House of Representatives submits to the Senate the articles of impeachment from one to any number which the House of Representatives in its judgment deems justified.

The prosecutors would be Members of the House of Representatives who would appear in the Senate and proceed with the prosecution based on the articles of impeachment.

The Members of the Senate would be the questioners and jurors.

If the Senate, by a vote of two-thirds, votes to convict on the basis of one article out of many, then the person stands convicted. He could no longer hold any office of trust, honor, or profit under the United States, and would still be subject to trial and punishment according to law in the courts of the land.

The articles of impeachment need only a majority vote in the House, but conviction by the Senate on any article would be by a two-thirds vote.

Another function of the Senate is that of oversight. It carries out this function in several different ways—by requiring reports from governmental departments and agencies; by amending laws, repealing laws, or enacting new laws; by the conduct of hearings or through investigations; and also through the appropriations process, Congress having control over the public purse, the funding of agencies, the appropriation of moneys to administer programs.

Another function is the housekeeping function. The two bodies enact legislation carrying out housekeeping purposes, creating new committees, providing staffs for committees, setting up investigations, special committees, and so on.

Then there is the ceremonial function in which the two Houses receive messages from the President of the United States in joint session, the state of the Union message, for example, or such functions as that which the Senate performed in connection with the inauguration of the late Vice President Nelson Rockefeller. That inauguration took place here in the Senate.

So these are, in the main, the functions that are carried out by the Congress and, particularly, by the Senate.

The first article of the Constitution, provides that all legislative powers herein granted shall be vested in the Congress of the United States, consisting of a Senate and a House of Representatives.

Jefferson took Washington to task upon Jefferson's return from France for having agreed to a second Chamber, the Senate, under the Constitution.

Washington, it is said, according to tradition, asked Jefferson why he was pouring coffee out of his cup into his saucer, and Jefferson responded "To cool it," whereupon Washington is supposed to have said, that this was the purpose to "pour legislation into the Senatorial saucer to cool" the product of the House.

Many people feel that the legislative branch was the closest of the three branches to the hearts of the authors of the Constitution, and that closeness is conveyed in the fact that the establishment of the legislative branch is provided for in the first article, and by virtue of such placement, it is the branch that is the "popular branch," closest to the people.

The term "Congressman" can be applied to either a Representative in the other body or to a Senator. So precisely,

the term "Congress" is meant for both bodies. To be more specific, a Member of the other body is a "Representative from the State of West Virginia," for example.

Lady Members of the Senate are referred to as Senators. A lady Member of the other body is referred to as a Congresswoman. "The gentlewoman from West Virginia," "from New York," or wherever it may be.

The constitutional qualifications for membership in the House of Representatives are that the individual must have attained to the age of 25, and that he will have been a citizen of the United States for 7 years at least, and that he be, when elected, an inhabitant of the State in which he shall be chosen.

Qualifications for U.S. Senator are that he shall have attained to the age of 30 years, shall have been a citizen of the United States for 9 years, and shall, when elected, be an inhabitant of the State for which he is chosen.

Henry Clay was a little too young when he was selected to serve in the Senate, but the other Members of the body did not conduct a very thorough investigation. He served two unexpired terms in the Senate. He seemed to have preferred the House of Representatives, however, over membership in the Senate, which is somewhat unique.

Henry Clay was one of three persons who was elected to the Speakership in the first term. Muhlenberg was elected Speaker of the House in the very first Congress.

Incidentally, the House was able to organize on April 1, 1789, so it organized 5 days earlier than did the Senate.

Clay of Kentucky was elected Speaker in his first term in 1811 and was re-elected to the House and to the Speakership for five terms. Pennington of New Jersey was elected Speaker of the House during his first term in 1859.

Oh, yes, the late Senator Rush D. Holt from the State of West Virginia was elected to the Senate when he was 29 years of age, and had to delay his swearing in as a Member of the Senate for a while.

I should mention that Senators and Representatives receive a compensation for their services ascertained by law and paid out of the Treasury of the United States. There have been 16 pay increases for Members of Congress since 1789, and 3 of these were repealed. So there have been only 13 permanent pay increases for Members of Congress in 191 years.

Members of Congress are privileged from arrest except for treason, felony, or breach of the peace during attendance at a session of the Congress and if they are actually on their way to or from a session.

Each House is required to keep a journal of its own proceedings. So there is a journal for legislative sessions, a journal for executive sessions, and there is a journal for closed sessions of the Senate. Any Member can put the Senate into closed session if he receives a second in

support of his request that the Senate go into closed session. That means that a second Senator must join a Senator in asking for a closed session. The Chair will then automatically, under the rules, clear the galleries and close the doors, and matters of a highly classified or sensitive nature can then be discussed in closed session.

The Senate, as does the House, has jurisdiction over its own rules and over the election returns and qualifications of its Members. If there is a contested election involving a Senator, the Senate Committee on Rules and Administration has jurisdiction over that contest, and then, of course, the Senate, in the final analysis, has the final say.

So, Mr. President, on another day I will hope to return to this subject. In closing, I give thanks to the "atrabillious and parvanimous creature," William Maclay, one of the first two Senators from Pennsylvania, for his foresight and vision in providing notes on the happenings and the events which occurred during the First Congress.

#### THE NEED TO HOLD THE LINE IN SPENDING FOR SENATE OPERATIONS

Mr. CHAFEE. Mr. President, in the present fiscal year, 1980, the Senate will spend \$206,000,000 to operate itself. That covers the cost of our salaries, and those of our staff. That covers our travel, our stationery, and operations of our State offices, and so on. That \$206,000,000 does not cover the costs of the Library of Congress or the General Accounting Office, or other associated services of the Congress.

In the past 2 years, this cost for operating of the Senate has risen by nearly 25 percent. Spending, before any possible fiscal year 1980 supplementals later this year, is up 12 percent from fiscal year 1979.

Mr. President, I am convinced that we have reached a point where the Senate, and indeed for the Congress as a whole, must put its house in order, to show the same kind of restraint we are asking of the administration and of the American people. Therefore, I am today proposing that we place a limit during fiscal year 1981 on the cost of the U.S. Senate, a limit that would be no higher than the fiscal year 1980 spending level. Specifically, I propose that we restrict spending by the Senate to \$206,874,000 in fiscal year 1981.

In addition, I propose similar limitations on several joint Senate-House items, such as the \$58,346,000 appropriated to the Architect of the Capitol, and the spending on the Capitol Hill Police Force, which is already one of the Nation's largest, about the size of the police force serving the city of San Diego with a population of 700,000 people.

Let us examine what has happened to spending on a couple of Senate items. The biggest increase has occurred in the Senate's contingency fund, which increased by some 54 percent to \$39,195,000 in fiscal year 1980 over the fiscal year 1978 levels, including supplementals. The spending for personal office staffs has

risen by 24 percent to \$75,133,000 from fiscal year 1978 to fiscal year 1980.

We must also recognize the great discrepancies that exist in many of the budgets of our committees. Two of today's most pressing national problems are defense and energy. Yet committees like Judiciary and Governmental Affairs are funded at levels several times as high as the money made available to operate the committees handling defense and energy issues.

In considering my proposal, I am sure some will say: What about pay increases? What about "normal" growth? My answer to that is very simple: It is time that we in the Senate set an example. If we must fail to fill a few openings, so be it. If we must cut back on travel, so be it. But we must hold the line.

Let us not wail and gnash our teeth as though each of us would be reduced to abject poverty at the figure I am proposing. At \$206,000,000 we will still have over \$2,000,000 to pay and staff each of us—hardly minimal living.

Now how do I plan to implement this proposal? When the fiscal year 1981 legislative appropriations bill comes to the Senate floor later this spring, I shall offer an amendment, if that proves necessary, that would hold spending on U.S. Senate operations to the levels appropriated in fiscal year 1980. I urge that the Appropriations Committee take action in Committee to report a legislative appropriations bill with a \$206,000,000 ceiling. But if that does not happen, I intend to offer my hold-the-line amendment.

Mr. President, I ask unanimous consent that several tables prepared at my request by the Congressional Research Service showing the recent level of Senate spending be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

#### SELECTED LEGISLATIVE BRANCH APPROPRIATIONS LINE ITEMS, FISCAL YEAR 1978 THROUGH FISCAL YEAR 1980

Twelve general headings comprise the Legislative Branch budget: House of Representatives, Senate, joint activities of both chambers, Architect of the Capitol, Library of Congress, General Accounting Office (GAO), Congressional Budget Office (CBO), Office of Technology Assessment (OTA), Government Printing Office, Botanic Garden, Copyright Royalty Tribunal, and Cost Accounting Standards Board.

In FY 1978, the House and Senate Appropriations Committees changed the format of the Legislative Branch Appropriations Bill. All activities which directly support the operations of Congress are grouped together under Title I. This encompasses appropriations for the House, Senate, and "Joint Items," the OTA, CBO, selected funds for Architect of the Capitol, Congressional Research Service (CRS), and the "Congressional Printing and Binding" functions of the GPO. All remaining Legislative Branch activities are grouped under Title II.

Tables 1 and 2 present selected Legislative Branch appropriations under Title I: "Congressional Operations" for the Senate and for selected "Joint Items," FY 1978-FY 1980. Funds include those enacted in regular annual and supplemental appropriations acts. Tables 3 and 4 depict funding, both statutory and investigative, for Senate committee staffs.



TABLE 1.—LEGISLATIVE APPROPRIATIONS ACTS—TITLE I: CONGRESSIONAL OPERATIONS—APPROPRIATIONS FOR SENATE ITEMS (FISCAL YEARS 1978 THROUGH 1980)

Line item, Senate	1978 appropriation <sup>1</sup>	1978 supplemental	1979 appropriation <sup>2</sup>	1979 supplemental	1980 appropriation <sup>3</sup>
Compensation and mileage of Vice President and Senators.....	\$6,474,300		\$6,480,000		\$6,827,000
Expense allowances of Vice President.....	10,000		10,000		10,000
Expense allowances of President pro tempore.....					10,000
Expense allowances of majority leader.....	5,000		5,000		5,000
Expense allowances of minority leader.....	5,000		5,000		5,000
Expense allowances of majority whip.....	2,500		2,500		2,500
Expense allowances of minority whip.....	2,500		2,500		2,500
Salaries, officers and employees (Senate):					
Office of the Vice President.....	687,500	\$35,500	767,000		810,000
Office of President pro tempore.....	111,100	4,900	116,000		123,000
Office of Deputy President pro tempore.....	111,100		(*)		
Offices of majority and minority leaders.....	383,400	27,600	411,000		540,000
Offices of floor assistants to majority and minority leaders.....	102,900	100	103,000		109,000
Offices of majority and minority whips.....	222,200	16,800	239,000		252,000
Secretaries of Conference of Majority and Conference of Minority.....	127,300	4,700	132,000		140,000
Office of the Chaplain.....	36,800	3,200	40,000		55,000
Office of the Secretary.....	3,205,200	220,800	4,116,000		4,407,000
Professional and Clerical Standing Committee employees and Select Small Business Committee employees.....	9,284,700	243,300	10,528,000		11,825,000
Conference committees.....	317,850	52,300	375,000		792,000
Administrative, clerical and legislative assistants to Senators.....	56,200,000	4,464,100	70,881,000		75,133,000
Office of Sergeant at Arms and Doorkeeper.....	16,681,000	1,219,000	19,803,000		21,072,000
Offices of secretary for the majority and secretary for the minority.....	390,300	20,700	411,000		434,000
Agency contributions and longevity compensation.....	6,500,000	785,000	7,785,000		9,943,000
Office of legislative counsel.....	759,700	33,300	815,000		899,000
Contingent expenses (Senate):					
Senate policy committees.....	1,178,500	93,500	1,388,000		1,462,000
Automobiles and maintenance.....	50,000		58,000		65,000
Inquiries and investigations (including select committees).....	28,441,200	1,553,800	30,625,000		32,600,000
Folding documents.....	95,400	7,600	103,000		109,000
Miscellaneous items.....	21,476,500	4,015,500	29,443,000		39,195,000
Postage stamps.....	25,200		6,000		7,000
Stationery (revolving fund).....	37,300		39,000		40,000

<sup>1</sup> Legislative Branch Appropriations Act, fiscal year 1978, Public Law 95-94, 91 Stat. 653, Aug. 5, 1977.<sup>2</sup> Legislative Branch Appropriations Act, fiscal year 1979, Public Law 95-391, 92 Stat. 763, Aug. 30, 1978.<sup>3</sup> Legislative Branch Appropriations Act, fiscal year 1980, Public Law 96-86, 93 Stat. 657, Oct. 12, 1979, contained in H.J. Res. 412, Continuing Appropriations, fiscal year 1980. See Congressional Record, Oct. 12, 1979, 28104-28110.

(\*) Position abolished.

TABLE 2.—LEGISLATIVE APPROPRIATIONS ACTS—TITLE I: SELECTED JOINT ITEMS (FISCAL YEARS 1978 THROUGH 1980)

Line item	1978 appropriation <sup>1</sup>	1978 supplemental	1979 appropriation <sup>2</sup>	1979 supplemental	1980 appropriation <sup>3</sup>
Capitol Police—General expenses.....	\$724,800		\$750,100		\$809,500
Capitol Police Board.....	1,572,000		1,421,000		1,263,000
OTA—Salaries and expenses.....	7,400,000	\$1,000,000	9,700,000		11,000,000
CBO—Salaries and expenses.....	10,400,000		11,368,000		12,117,000
Architect of the Capitol:					
Salaries.....	2,002,800		2,382,000		2,836,000
Continued expenses.....	120,000	90,000	210,000		210,000
Capitol Buildings.....	5,516,000	655,000	6,157,000		7,394,000
Capitol Grounds.....	1,919,500	450,000	2,565,000		4,062,000
Senate office buildings.....	9,102,000	1,110,000	10,328,000	\$600,000	10,983,000
Senate garages.....	153,500		164,000		196,000
House office buildings.....	18,176,900	811,000	21,065,000	400,000	18,484,000
Capitol Power Plant (operations).....	12,317,000	600,000	13,635,000		14,181,000

<sup>1</sup> Legislative Branch Appropriations Act, fiscal year 1978, Public Law 95-94, 91 Stat. 653, Aug. 5, 1977.<sup>2</sup> Legislative Branch Appropriations Act, fiscal year 1979, Public Law 95-391, 92 Stat. 763, Aug. 30, 1978.<sup>3</sup> Legislative Branch Appropriations Act, fiscal year 1980, Public Law 96-86, 93 Stat. 657, Oct. 12, 1979, contained in H.J. Res. 412, Continuing Appropriations, fiscal year 1980. See Congressional Record, Oct. 12, 1979, 28104-28110.TABLE 3.—APPROPRIATIONS FOR "INQUIRIES AND INVESTIGATIONS" AND "SALARIES, OFFICERS AND EMPLOYEES" AS APPLICABLE TO COMMITTEES OF THE SENATE (FISCAL YEAR 1978)<sup>1</sup>

Committee inquiries and investigations	Total authorized inquiries and investigations	Total authorized for salaries, officers and employees	Committee inquiries and investigations	Total authorized inquiries and investigations	Total authorized for salaries, officers and employees
Aging (Special).....	\$468,500.00	\$267,465.77	Nutrition and Human Needs (Select).....	\$231,500.00	
Agriculture, Nutrition, and Forestry.....	658,270.81	469,696.00	Rules and Administration.....	734,645.81	\$562,775.96
Appropriations.....	870,887.00	1,925,381.00	Small Business (Select).....	275,587.50	469,696.00
Armed Services.....	837,237.50	490,817.99	Veterans' Affairs.....	292,000.00	469,696.00
Banking, Housing, and Urban Affairs.....	1,080,933.31	469,696.00	Total authorized.....	30,004,124.50	10,794,512.62
Budget.....	2,355,229.19	469,696.00	Appropriations—Fiscal year 1978.....	29,441,200.00	<sup>2</sup> 10,284,700.00
Commerce, Science, and Transportation.....	2,721,925.00	469,696.00	Add: Cost-of-living increase.....	1,553,800.00	243,300.00
Energy and Natural Resources.....	1,248,541.69	469,696.00	Total appropriations—Fiscal year 1978.....	30,995,000.00	10,528,000.00
Environment and Public Works.....	1,360,991.69	469,696.00	Summary:		
Ethics (Select).....	500,000.00		Total appropriations.....	30,995,000.00	10,528,000.00
Finance.....	616,225.00	875,668.00	Less: Total authorizations.....	30,004,124.50	10,794,512.62
Foreign Relations.....	1,296,895.81	672,681.97	Total appropriations over authorizations.....	990,875.50	
Governmental Affairs.....	4,157,025.00	537,357.97	Total authorizations over appropriations.....		<sup>3</sup> (-266,512.62)
Human Resources.....	2,550,083.31	1,078,653.97			
Indian Affairs (Select).....	582,600.00				
Intelligence (Select).....	1,774,291.69				
Joint Economic Committee (Study).....	600,000.00				
Judiciary.....	4,790,754.19	626,141.99			

<sup>1</sup> Source is Legislative Branch Appropriations Act, fiscal year 1978 (91 Stat. 653).<sup>2</sup> Each includes \$1,000,000 carryover from fiscal year 1977.<sup>3</sup> This difference essentially represents the amount for the Special Committee on Aging, which received standing committee funding on Mar. 6, 1978; the remainder (\$953.15) is the result of rounding the appropriation to thousands.

TABLE 4.—APPROPRIATIONS FOR "INQUIRIES AND INVESTIGATIONS" AND "SALARIES, OFFICERS AND EMPLOYEES" AS APPLICABLE TO COMMITTEES OF THE SENATE (FISCAL YEAR 1979)<sup>1</sup>

Committee inquiries and investigations	Total authorized inquiries and investigations	Total authorized for salaries, officers and employees	Committee inquiries and investigations	Total authorized inquiries and investigations	Total authorized for salaries, officers and employees
Aging.....	\$328,508	\$481,706	Rules and Administration.....	\$718,333	\$576,706
Agriculture, Nutrition, and Forestry.....	765,167	481,706	Small Business (Select).....	311,067	481,706
Appropriations.....	987,271	2,122,727	Veterans' Affairs.....	278,167	481,706
Armed Services.....	837,608	504,008	Total authorized.....	30,399,183	11,435,469
Banking, Housing, and Urban Affairs.....	1,138,017	481,706	Appropriations—Fiscal year 1979.....	30,625,000	10,528,000
Budget.....	2,388,167	481,706	Add: Cost-of-living increase anticipated supplemental.....	1,330,000	245,000
Commerce, Science, and Transportation.....	2,653,633	481,706	Total appropriations—Fiscal year 1979.....	31,955,000	11,437,000
Energy and Natural Resources.....	1,374,167	481,706	Summary of appropriations and authorizations:		
Environment and Public Works.....	1,391,200	481,706	Total appropriations.....	31,955,000	11,437,000
Ethics (Select).....	700,000		Less: Total authorizations.....	30,399,183	11,435,469
Finance.....	993,767	900,518	Total appropriations over authorizations.....	1,555,817	\$1,531
Foreign Relations.....	1,276,833	691,112			
Governmental Affairs.....	4,345,611	551,508			
Labor and Human Resources.....	2,703,833	1,109,924			
Indian Affairs (Select).....	621,600				
Intelligence (Select).....	1,803,667				
Judiciary.....	4,782,567	643,612			

<sup>1</sup> Source is Legislative Branch Appropriations Act, 1979 (92 Stat. 763).<sup>2</sup> Excess appropriations over authorizations for salaries, officer and employees is due to rounding.

Mr. CHAFEE. Mr. President, I take this opportunity to thank the majority leader for allowing me to intervene at this point.

Mr. ROBERT C. BYRD. I thank my friend.

Mr. PROXMIRE. Mr. President, will the distinguished majority leader yield? I apologize to him.

Mr. ROBERT C. BYRD. Not at all.

Mr. PROXMIRE. He is being so gracious.

Mr. ROBERT C. BYRD. I am sorry. I did not see my friend. I gladly yield.

#### ARMS SALES UP—SECURITY DOWN

Mr. PROXMIRE. Mr. President, the recent announcement by the Secretary of State that U.S. arms sales policy will no longer be based on annual reductions in program activity underscores the inability of nations to come to grips with this most infectious of international diseases—arms addiction. Worldwide arms exports are nearing \$25 billion annually with significant increases every year since 1975.

The administration's half-hearted efforts to interest NATO allies in mutual arms sales restraint have produced no results. In fact just the opposite seems to have occurred as other nations have aggressively entered the arms market. Emphasis on arms sales by high government officials in France and in other European countries has intensified the competition between arms manufacturing nations. Individual foreign firms have moved to the top of the foreign arms exporter lists. While Lockheed remains on top in terms of the dollar value of annual business, the next five companies are based in France, Great Britain or West Germany. Even developing nations are entering the market such as Brazil. And arms consumer Israel has a flourishing arms export business.

Arms trafficking has become a new international currency—a profitable expanding business force in the world. Under the justification of business is good for our balance of payments or if we do not sell weapons someone else will and

that will cost us in jobs and we are just supplying a self-defense need, the arms merchants and their government spokesmen are turning the world into a vast armed camp.

While it may be true that some weapons are for show and some are for deterrence and some are for national pride, the only responsible long-term conclusion is that most are for war. They are bought to be used. And in the numbers and sophistication that are available in the current market, the result of their use will be increased devastation and increased efficiency in killing.

Our short-term greed will produce long-term disasters. The world is too populated by irrational concepts and in-temperate leaders to long avoid a series of local conflagrations.

Mr. President, I ask unanimous consent that a recent article on the arms trade from Business Week magazine, which traces how tremendously expansionary this field has become, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### THE SCRAMBLE TO CASH IN ON WEAPONS EXPORTS

In the chronicles of world trade, 1980 may well be known as the Year of the Gun. Spurred both by regional tensions and by the post-Afghanistan clash of the superpowers, global arms exports are soaring toward a record \$25 billion and follow-on sales of spare parts, maintenance, and training could triple those earnings. The U.S., its European allies, and such new entrants to the world arms bazaar as Israel and Brazil are stepping up sales efforts—to support their domestic arms industries and to help pay their oil bills. The business has been growing at roughly \$5 billion a year, and the prospects for the 1980s are for rapid expansion. As Wolfgang Mallmann, an arms control advocate at the Stockholm International Peace Research Institute, puts it: "There are no signs of restraint. The superpower talks have broken down and . . . on top of this, it looks as if the 1980s will be the decade for a struggle for world resources . . ."

That bodes ill for peace, but it is creating heady opportunities for companies that manufacture the high-priced equipment needed to fight or deter the battles of the

future. The bonanza is most striking in the so-called "crescent of crisis," which runs from North Africa through the Middle East to Southwest Asia, a region where newly aggressive U.S. arms export policies and the hunger of European arms makers feeds on the insecurity of local rulers. The scope and significance of the sales is evident from a handful of recent deals and decisions.

On his early March tour through the oil states of the Persian Gulf, French President Valéry Giscard d'Estaing plumped hard—and successfully—for his nation's military hardware exports. A fighter sales package, which could run to as much as \$10 billion by 1985, appears set. That will shape the next decade for Avions Marcel Dassault-Breguet Aviation, France's largest arms exporter.

In a contract believed to run to more than \$1.5 billion, Italy agreed in late 1979 to supply Iraq with virtually a made-to-order fleet: four Lupo frigates bristling with Italian-made ship-to-ship and antiaircraft missiles, six fully armed corvettes, and a supply ship. The deal could push Italy past Britain (which sold some \$2 billion in arms in 1978-79) to become the fourth largest arms exporter after the U.S., the Soviet Union, and France. It could also give Iraq the most powerful local fleet in the Persian Gulf.

In a key turnabout in its arms export policies, the Carter Administration announced in February that it would allow the U.S. aerospace industry to proceed with the long-delayed development of a new, lower-cost fighter plane, the F-X, which is intended mainly for export. Northrop Corp. is expected to produce a plan for an upgraded version of its durable F-5, while General Dynamics Corp. is likely to counter with a "no-frills" version of its top-of-the-line F-16.

Expanding on an earlier \$1.5 billion arms package, the Carter Administration will soon seek congressional approval to supply Cairo with no less than \$4 billion in U.S.-subsidized weaponry through 1984. The new package will include 250 Chrysler-built M-60 battle tanks and 40 of General Dynamics' \$12 million F-16 fighters.

The Egyptian deal, together with the Administration's plan to give \$400 million in arms aid to Pakistan—an idea spurned by Pakistan's strongman, General Zia ul-Haq, who wants \$1.5 billion in arms and \$1.5 billion in aid each year through 1982—and to sell \$235 million in weapons to King Hassan of Morocco, all indicate that Washington is again willing to make arms sales a central element in U.S. foreign policy. That is a change from the Administration's initial efforts to curb the export of U.S. arms to



"high-tension" areas, notably the Middle East and Africa.

#### WINNING OVER WASHINGTON

That initiative never drew much response from Russia or, for that matter, from America's allies in Europe. While Russian arms sales remained high or increased, European arms marketers have fought for and won large shares in the very markets Washington sought to cool. Indeed, many U.S. companies now worry that the Carter policy of restraint has only succeeded in creating a vacuum that European suppliers, led by France, Britain, West Germany, and Italy have eagerly filled. Industry insiders, for example, predict that French arms export orders may have reached \$6.1 billion in 1979, nearly half of the U.S. total.

One prime goal for the European arms export drive is starkly simple: to keep the Continent's defense industry in business. "Exports are not an economic necessity for the Americans," says an executive at Thomson CSR, the French electronics group—because the U.S. military machine absorbs such enormous quantities of equipment. "But the day we stop exporting," he adds, "that's it. We close up shop." Indeed, France exports three times as many fighter jets as it buys for its own air force, and its leading arms makers—Dassault, Aerospatiale, and MATRA—depend on foreign markets keep unit costs down to pay for the huge research and development costs of modern weapons. Other European arms companies, such as West Germany's \$1.2 billion tank-builder, Krauss-Maffel, or Italy's \$213 million munitions company, Oto Melara, also export roughly 45 percent of their production—far more than most U.S. arms makers. European arms sales also help to pay the Continent's higher oil bills. Although national spokesmen deny any link, France's \$5 billion in 1979 sales covered fully 20 percent of its oil-import bill.

#### COMPETITION

While it is far less dependent on foreign sales, particularly since the domestic defense budget is due to rise steeply, the American arms industry has come to rely on them for a sizable portion of its income. Northrop, which has sold more than 3,500 F-5 lightweight fighters around the world, is a prime example. Northrop's export orders have made up slightly more than half of its total sales (\$1.6 billion in 1979) for the past several years. Northrop's F-18L is now in competition with McDonnell Douglas Corp.'s F-18A and General Dynamics' F-16 to become the top-of-the-line fighter for a series of foreign air forces. At stake in the decisions by Israel, Spain, Australia, and Canada are not only initial orders of up to \$10 billion but also a fast headstart in a world market of as much as 5,000 fighters and \$50 billion in sales through the decade. Says one aerospace analyst: "The global fighter plane market in the '80s is unprecedented in numbers and dollars, and the company that gets rolling first is likely to stay out front."

Other U.S. companies that lean heavily on foreign sales include Lockheed Corp., which sold \$1.4 billion abroad in 1979; McDonnell Douglas, with \$638 million in foreign sales; and General Dynamics, which vended \$518 million in weapons overseas last year.

But while Washington moves to sell more arms abroad, it must worry about the U.S. defense industry's ability to supply the hardware without encroaching on the production of weapons for the U.S. military. Given shortages of key materials and lead times of up to two years for such components as forgings, castings, and bearings, the industry will be hard-pressed to satisfy the needs of the Pentagon (BW-Feb. 4) and at the same time produce more for export. Delivery schedules will have to be stretched, and this could hurt the U.S. in competition with the Europeans.

U.S. companies have reason to worry about the ground they have lost to the Europeans. In retrospect, says an Administration official, restraint looks to have been "a very naive policy." For U.S. arms makers, the results were near-crippling. In 1978 alone, the Administration blocked sales of more than \$1 billion in hardware to Africa, the Middle East, Asia, and even Europe. Among the potential sales aborted were Northrop F-5s and Hughes Aircraft Corp. antitank missiles to Bahrain, on which the U.S. now depends for naval facilities in the Persian Gulf. Also vetoed were sales of Vought Corp. A-7 attack aircraft and Bell Helicopter Textron gunships to Pakistan—before the Soviet invasion of Afghanistan.

#### U.S. DECLINE

Indeed, although the U.S. remains the world's No. 1 arms exporter, industry spokesmen are warning that sales trends set off by the Administration's earlier policies are running against them. In mid-March, Walter R. Edgington, chairman of the Electronic Industries Assn.'s export-import committee, testified to Congress that, "This experiment in unilateral arms control was based on the premise that the 'good example' of the U.S. would reduce worldwide trafficking in arms. Instead, the result has simply been a loss of a major U.S. market share and influence." That argument is buttressed by last year's 53 percent decline in U.S. military aerospace exports to \$1.9 billion from 1978's \$4 billion.

Now, though, the Carter Administration is abruptly turning 180°—not only to shore up defense industry sales, but to meet the added security concerns of edgy Third World allies.

The sharpest index of that policy switch was the Administration's decision in early February to permit the U.S. aerospace industry to develop and build the new lower-cost F-X fighter plane for export. "That [arms restraint] policy is now dead," laments Senator William Proxmire (D-Wis.). "The door is now open for the [U.S.] arms manufacturers to sell sophisticated aircraft in any troubled part of the world."

#### JOINT EFFORT

As the U.S. swings back toward more active arms salesmanship, it will find that the growing international cooperation between European arms corporations makes them more formidable competitors. In February, for example, France and West Germany announced that they will coproduce a new tank to replace the German-designed Leopard II and France's AMX-30 and to compete with Chrysler's new XM-1 in European and other foreign markets. Startup of the new tank will be shared by West Germany's Krauss-Maffel and Maschinenfabrik Kiel, a Krupp subsidiary, and France's state-owned arms maker, GIAT. The longer-range prospects for sales are bright, since the Bundeswehr is said to want 2,000, and the French Army will probably buy a similar number.

Other collaborative projects paying off for European arms companies include the Milan, Hot, and Roland missiles made by a partnership of West Germany's Messerschmidt Bölkow-Blöhm (MBB) and France's Aerospatiale. The three missiles have been marketed through the French-controlled corporation, Euromissile, which scored \$690 million in sales in 1979.

For the moment, global markets are growing fast enough—and U.S. perceptions of heightened dangers are strong enough—that Washington welcomes multibillion-dollar French arms sales to the Middle East, for example, as complementary to U.S. policy. French Mirage sales to the Saudis and Iraqis are thus seen respectively in Washington as arming an ally who might have difficulty getting a U.S. arms purchase through Congress and weaning a former Soviet client state toward the West. But

a Dassault executive already worries that Washington's new tack means that, "If the Americans sell more, we are going to sell less."

#### BRAZIL'S GROWTH

The arms-buying binge is bringing in new competitors, too. From virtually nil in 1975, Brazil's arms exports have booted to an anticipated \$800 million in 1980, a move powered by sales of the Cascavel, a tough, agile armored car (BW—July 31, 1978). Brazil's numerous relatively small arms makers have focused on sales to governments in the Middle East, Africa, and Latin America, and they are also eager to supply the Chinese, who have sent two delegations to Brazil to shop—the most recent in late February.

Israel is also reaching out to global markets. The country's arms exports—ranging from Uzi submachine guns to jets—should top the \$1 billion mark next year. On March 1, Israel announced that it planned to develop through Israel Aircraft Industries a new-generation fighter plane called the Lavi (Lion). Like its predecessor, the Kfir (Lion Cub), the Lavi will be powered by General Electric Co. engines—but this time the same F404 used on the U.S. F-18. The new plane could be a sharp competitor for the F-X and other U.S. fighters in Third World markets.

The biggest question mark over the arms trade of the 1980s may come from Japan. Banned by their own laws from exporting weaponry, Japanese businessmen are chafing for change. Because of the export ban, Japanese military equipment supplied to the Self Defense Forces (SDF) is among the world's most expensive. Nevertheless, Mitsubishi Heavy Industries' Type 74 tank is acclaimed by military experts, and, like other Japanese weaponry, would find a ready export market if the law allowed.

Even without the entry of the Japanese as major exporters, the arms boom will leave the world's tensest regions bristling with sophisticated arms by the decade's end. The irony may be that an intervention by the now-forming U.S. rapid development force—or any great power army—would therefore encounter stiffer resistance in any country that matters in the Middle East and much of the Third World. Speaking from the epicenter of the new arms race, a top Israeli defense expert warns grimly: "The conventional arms race has already led a number of [Middle East] states to the nuclear option."

#### THE GENOCIDE CONVENTION: RATIFICATION LONG OVERDUE

Mr. PROXMIRE. Mr. President, in 1946, the world was reeling in the aftermath of the holocaust, shocked by the horrifying crime which defined the word "genocide." And it was in 1949 that President Truman transmitted to the Senate for ratification the treaty designed to be a first step toward preventing a repetition of such a deliberate and systematic annihilation of a people—the Genocide Convention.

It is now 1980. For 30 years we have refused to act upon this treaty—a treaty which seeks to guarantee a basic right—the right to live, to all racial, ethnic, national, and religious groups.

Mr. President, while we have sat here and deliberated over the many facts of the Genocide Convention, atrocious violations of the most basic and fundamental rights have continued unabated. The locations are all too familiar—from Brazil to Nigeria, Uganda to Cambodia, the list goes on. Tragically, these most

brutal, inhumane crimes are still very much with us.

How can we in clear conscience overlook these atrocities? We cannot. We have an obligation, a moral obligation, to use all of our diplomatic power to put an end to such inhumane behavior.

And yet, Mr. President, what have we done to halt these atrocities? Sadly, the answer is far too little. For its part, the Senate has dragged its feet for over 30 years failing to ratify the only international treaty which attempts to prevent and punish the crime of mass murder. It is no wonder that we do not always speak with credibility when protesting gross violations of human rights in other countries. Our failure to ratify the Genocide Convention is a national disgrace.

Mr. President, it is not my contention that the Genocide Convention is a panacea for the prevention of all human rights violations. It is not. It may not end, once and for all, each and every instance of the crime of genocide. It cannot.

But it is a tool, a vital tool, that can be used to strengthen our hand in eliminating this most horrible of all crimes.

Mr. President, we have no reason to delay any further. The time for us to make a final commitment to the right of all religious, racial, ethnical, and national groups to live is long overdue. We must ratify the Genocide Convention.

Mr. President, I thank my good friend, the majority leader, for so graciously yielding the floor to me.

Mr. ROBERT C. BYRD. Mr. President, the Senator is very welcome.

#### PRESIDENT CARTER'S REVISED BUDGET

Mr. THURMOND. Mr. President, while consistency is usually a commendable attribute, the consistent lack of leadership from the White House continues to plague the American people. This was illustrated, once again, when President Carter recently unveiled his revised fiscal 1981 budget.

Mr. President, a very brief editorial in the April 1, 1980 issue of the Wall Street Journal expresses quite well the crux of this problem for the Nation's taxpaying public. The editorial is titled, "Down \$4, Up \$28 [Billions]," and its entire content, as printed in two paragraphs, is as follows:

The Carter administration finally released the results of its much-heralded budget cuts. The new forecasts purport to show a federal surplus of \$16.5 billion [before off-budget borrowing] in fiscal 1981. This contrasts with a 1981 deficit of \$15.8 billion forecast when the original budget was presented in January.

This change results from a \$4.3 billion drop in spending, now estimated at \$611.5 billion compared to the January estimate of \$615.8 billion. And from new revenues of \$28 billion, now estimated at \$628 billion versus the January estimate of \$600 billion. The increased revenues result from the new oil import fee, withholding on interest and dividends and higher inflation estimates pushing everyone into higher tax revenues. So the result of Mr. Carter's "austerity" is budget cuts of \$4.3 billion and new taxes of \$28 billion. Four for you, 28 for me.

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Mr. President, that brief editorial points up this country's very desperate need for leadership from the executive branch of our Government.

#### RHODE ISLAND JEWELRY SHOW

Mr. CHAFFEE. Mr. President, I rise today to make mention of a most important event that will occur in my home State of Rhode Island next week which will affect every Rhode Islander. Beginning on Tuesday, April 8, and continuing through Tuesday, April 15, the city of Providence will host the biannual Wholesalers Jewelry Show.

Many of my Senate colleagues, and indeed, perhaps some Rhode Islanders, may wonder why a jewelry show, which is held twice every year, is of such importance.

The answer is simple: First, the jewelry industry is the largest single sector employer in Rhode Island, carrying 30 percent of the State's employable population; and second, the jewelry industry is facing severe economic problems. Next week's jewelry show will provide an indication of what the jewelry manufacturers can expect in the near future. It will be the first such show in Rhode Island, the center for costume jewelry, since the prices began fluctuating.

The situation is serious for several reasons.

Prices of precious metals.

Precious metal prices have increased and fluctuated dramatically. One year ago, gold was \$250 per ounce. On December 1, 1979, gold rose to \$415 per ounce. Seven weeks later, on January 21, it was \$850 per ounce. Four days later, it had dropped to \$645 per ounce. Currently, the price is running at about \$500 per ounce.

Fluctuations in the vicinity of \$50 per day have been common during this period, and have ranged as high as \$100 per day.

The silver market has been even more volatile. One year ago, silver was \$7.50 per ounce; 1 month ago the price was as high as \$34.50 an ounce, and today, as a result of Mr. Bunker Hunt's recent activities, silver is sold at about \$14.50 per ounce.

The jewelry industry is directly and most adversely affected by these developments. Its interest stems from the fact that the utilization of these metals is vital to the industry. It transforms them, by design and by labor, into an art form that can be sold to a market. In order to accomplish this objective, manufacturers of precious jewelry must price these products in a manner that will permit them and their distributors a profit as the merchandise moves through the distribution pipeline. Irregular price fluctuations in the ranges characteristic of this period make projection and calculation—traditional gold content pricing assumptions—virtually unworkable.

These uncertain conditions in the precious metals markets have compounded the problems of management in using industries like jewelry.

Transactions between manufacturers, wholesalers, and retailers have become

chaotic. The impact of extraordinarily volatile price fluctuations can be seen currently in declining sales, cutbacks in jewelry manufacturing operations, and reductions in employment. Unemployment in the jewelry and silverware industry is up significantly, well in excess of annual seasonal adjustments. Certain regional economies have been critically affected. In Rhode Island, where the costume segment of the industry is concentrated, Department of Employment Security data show that employment in the industry dropped 10 percent between August 1979 and January 1980.

Figures from my State show that jewelry industry lost 900 jobs since January, and 3,400 over the last 12 months.

In the New York City area, the heart of precious jewelry manufacturing, employment has been severely reduced and is currently estimated to be about 40 percent of a year ago.

Imports compound the problem.

While U.S. foreign trade in jewelry rose to a record \$1.1 billion in 1979, the U.S. foreign trade deficit in jewelry also rose to a new high, estimated at \$773 million.

The tariff reductions, negotiated in the Tokyo round of the Multilateral Trade Negotiations, will significantly affect future jewelry imports. Since January 1, 1980, tariffs on jewelry have begun being reduced in equal annual increments for 8 years. These tariff rates will be reduced 60 percent generally, the maximum allowed by the 1974 Trade Act.

In addition, more and more costume jewelry is entering this country duty-free each year from developing nations under the generalized system of preference (GSP) status. This trade situation is true of the silverware and plated ware industries also.

It is important to note that the overwhelming majority of jewelry manufacturers are small business. This means that these firms have less liquidity of assets and more difficulty adjusting to economic and trade pressures.

If these firms suffer economic damage due to higher prices of gold and silver, due to increased imports, or due to limitations on business credit—it could mean a financial crisis, from which my State and other regions of the country would find it difficult to recover. Not only would these manufacturers be hurt, but so too would the thousands of other companies that depend on jewelry-makers: box makers, display houses, trucking companies.

The message I wish to send to the participants of next week's jewelry show is that there is concern in Congress for their industry.

Since January, I have met with representatives from the Small Business Administration, the Economic Development Administration, bank officials, and jewelry manufacturers. Mr. George Frankovich, executive director of the Manufacturing Jewelers and Silversmiths of America, Inc., a national organization of jewelry manufacturers representing about 1,800 firms employing 30,000 people, has been the catalyst of



these meetings and is, in large part, responsible for the results thus far.

As a result, some of the types of assistance that are underway are:

First, EDA will consider funding a market study for the jewelry industry to ascertain the magnitude of the problems, to explore possible remedies, and to learn what is needed to recapture an adequate share of the market;

Second, EDA has recommended that the State of Rhode Island, in conjunction with the jewelry industry, make application for an EDA grant under the revolving loan fund program. The grant would be made to the State or a State agency, and used to supply loans to individual manufacturers;

Third, SBA has met with representatives from the jewelry industry and the local commercial banks in an attempt to make more loan money available to jewelry manufacturers.

SBA suggested that current outstanding SBA loans or loan guarantees be renegotiated or refinanced, if it appears that the new market pressures will make it difficult for jewelry manufacturers to meet payments.

In addition, I am calling upon SBA to study the feasibility of raising the maximum loan amount now permitted a company to \$750,000.

Fourth, Both EDA and SBA agree that greater effort be made to educate jewelry manufacturers about possible available benefits through trade adjustment assistance.

While these solutions are short term, it is my hope that a long-term plan to assist the jewelry industry can be devised and implemented. Senator PELL and I are currently working to organize a Congressional Jewelry Commission, comprised of the Senators and Congressmen from the States most seriously affected. Later this month, we plan to hold our first meeting to discuss the role of this group in greater detail.

The important message from Washington, is that there is support for the jewelry industry, and a growing awareness of the problems you face. The sooner we act, the more jobs we can save in the long run.

I hope that next week's jewelry show is a success. I join all Rhode Islanders in offering a warm welcome to the wholesale buyers who will visit our State and view our major industry's goods.

Mr. President, I ask unanimous consent to have two articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

#### R.I. JEWELRY DROPOFF HIKES THE JOBLESS RATE

PROVIDENCE.—The jewelry slump, caused largely by the price of gold and silver, is a big factor in job losses that pushed Rhode Island's unemployment estimate to 8.1 percent in February, the highest level in two years.

State figures released Friday showed unemployment increased by 2,500 jobs from January, a month in which 35,000 people—an estimated 7.6 percent of the work force—were jobless. The national rate for February was 6.8 percent.

"If it were not for such severe cutbacks in the jewelry manufacturing industry, we would not be seeing the figures we see today," said Employment Security Director Mary C. Hackett.

Jewelry lost 900 jobs since January and 3,400 over the last 12 months. The other manufacturing segments added a total of 1,400 workers over the year, leaving a net loss of 2,000 in the category.

"Uncertain prices and the inability to buy gold and silver, and then to price their goods for later delivery are a big problem for the jewelry industry. There has been no fad, no gimmick that has caught on in the last year or so.

#### JEWELRY AND JOBS (By Tracy Elliot Hall)

"It's the second oldest profession in the world," assures George R. Frankovich, vice president and executive director of Manufacturing Jeweler's and Silversmith's of America, Inc., with a winking smile. "Sure we're seeing some tough times now, and they'll probably get tougher—there's no way to hide it. But there's one thing we're counting on in the long run, the desire almost everyone has to change and improve their appearance. Adornment is an ancient custom. Costume jewelry has given the average consumer that opportunity and we don't think they'll ever really give it up."

1979 has been what Mr. Frankovich and many other industry spokesmen euphemistically call, when asked, a "soft" period; the softest, in fact, since 1974 when goldsmith, jeweler, clock and watchmaker Nehemiah Dodge found a means of turning out quality piece of jewelry using less than 18 or 22 karats of gold. In his small North Main Street shop he pioneered the manufacturing of jewelry and silverware in Rhode Island setting a precedent for competition and a whole industry firmly on its way.

In a jewelry industry handbook edited by Mr. Frankovich, a thirty-year veteran of the business, the origin of jewelry is quaintly attributed to the discovery of a nonutilitarian pebble by an imaginative caveman who names it his "good luck pebble" after carrying it into a successful hunt. It goes on to say that "the history of jewelry is the history of civilization," and that "throughout the ages, the rise and fall of civilization can be traced through the ornaments of that age." Those appear to be statements for the sake of poetry, not prophecy. But the wheel of fortune that went spinning round so fast through 1965 for the jewelry industry is losing speed, noticeably, and although no one is eager to admit it, the truth is it's been happening for a long time.

By 1810 Rhode Island was grossing \$100,000 in jewelry sales with the input of 100 workers. Today it claims a one billion dollar or 25 percent share of a four billion a year market, housing 800 of the industry's 4000 manufacturing firms and employing a third of the nation's 84,000 jewelry manufacturing work force. More than half of those one billion dollars, approximately 630 million, are earnings of the costume jewelry and silverware segment alone.

They're impressive figures and at the same time very deceptive; they tell little about actual industry growth, its welfare and most importantly the economic well being of a state that is precariously dependent upon its success or failure. Next to the government, the jewelry industry is the largest single sector employer in Rhode Island, carrying close to 30 percent of its employable population.

"This is a labor intensive industry," says Mr. Frankovich, "so we can make certain judgments about its condition by looking at changes in the work force over a period of time, especially in the period following vaca-

tions in July and August. That's typically a time of active hiring—last year there was almost no hiring going on. In fact, there's been attrition in the employee ranks as well as among the jewelry firms themselves—mostly the small ones, but it's starting with the bigger ones now too."

#### BAD FOR JEWELRY INDUSTRY—BAD FOR THE STATE

All jewelry falls into one of three categories: fine jewelry, made from solid gold or platinum and precious stones; silver and gold filled jewelry, using synthetic and sometimes real stones; and costume jewelry, produced from a base metal, finished through an electroplating process and only incorporating imitation or synthetic stones. Costume jewelry is plainly a bread and butter item for the Rhode Island jewelry industry; of the \$783 million of finished costume jewelry shipped nationally in 1977, over half (\$418 million) came from us. So when things look bad for the costume jewelry industry, they look bad for the jewelry industry in Rhode Island and probably, logically, for the state as a whole.

#### AN EASY BUSINESS TO GET INTO

Between 1967 and 77 census figures show that whereas total industry revenues rose by 2.5 billion dollars, the costume segment work force rose by only 1300. The number of manufacturing facilities increased by just 74 and since 1977 off the record figures indicate that 38 have gone out of business. "Of course it's not really fair to draw conclusions from the change in the number of manufacturers", reminds Mr. Frankovich. "The jewelry business is one of the easiest to get into. It requires almost no capital because the job shops have all the equipment anyone would ever need to actually put a piece of jewelry together. If you want to go into business, you just take your design to a mold maker to have it cast, to a plater if you want it plated and to an assembly shop to have it put together. People are dropping in and out of this business every day without our even knowing it."

Nevertheless by September 1979 and 34,600 Rhode Islanders who were employed throughout the industry in 1977 had dropped to 30,000. According to industry officials, the bulk of the layoffs have taken place in 1979. "About 40% of our membership is from the Rhode Island and southeastern Massachusetts area," says Mr. Frankovich. "In the last year we've lost more members than we have collectively over the last ten."

#### WHAT'S GOING ON

Why is this happening to the jewelry industry, and will it turn out to be just another one of those downs in the ups and downs pattern the industry has learned to grin and bear? One theory offered by Mr. Frankovich is that with the increasing uncertainty over the dollar's value Americans are putting the few or many they have into solid investments like real estate, diamonds and gold. "Those are definitely the big three right now. The more the price of gold goes up, the more the demand for it. Right now that part of the jewelry industry is booming."

He points to the energy issue as the second major obstacle. "In the past when the economy showed a slump, like in '72, people still put their expendable dollars into luxuries, but less expensive ones, like costume jewelry. Those were actually good times for us. But there just aren't those expendable dollars anymore, they don't exist—so there's no room for luxuries. People are putting their money into necessities—mainly fuel."

Exportation has been suggested as one method of reviving lagging sales. Less than 5 percent of Rhode Island jewelry is currently exported. But more efficient production techniques is the more obvious prescription. "Unfortunately that would only hurt, not help, the crises in Rhode Island. We want to main-

tain a work force—increased technology can only reduce it."

While the costume jewelry industry is clearly entering a dark period, Mr. Frankovich claims that many Rhode Islanders have misconceptions about the role the industry should play in the first place which makes the situation appear worse than it really is. "A lot of people compare the jewelry industry to the steel, computer, and auto industries. They complain that our workers are underpaid. But this business isn't anything like those businesses. We've got our cadre of skilled people just like they do—the tool makers, die cutters, designers, model makers, and they make just as much as the electronics technician up Route 128 does. But the process of making jewelry is primarily hand work and requires no skills—so the bulk of our work force are secondary breadwinners. Sixty percent are women, but even that's changing. The point is we feel we fill a gap by giving unskilled labor a chance to earn those needed dollars."

Rhode Island would, according to Mr. Frankovich, be much better off with an auto or steel or computer industry in addition to the jewelry industry, which is being too heavily relied on now. "It doesn't have these other industries to fall back on and there are reasons it doesn't which obviously aren't the fault of the jewelry industry."

So while one consumer is buying up gold and the other is trying to pay for a winter's worth of fuel, neither are frequenting fashion jewelry counters the way they used to.

#### PRESIDENT SADAT'S VISIT

Mr. ROBERT C. BYRD. Mr. President, next week, Egypt's Anwar al-Sadat will be in Washington. President Sadat is one of the world's leading statesmen. His visit comes at a critical point in the negotiations to achieve a just and lasting peace in the Middle East.

No issue in the postwar period has proved more intractable and more fraught with danger to the world community than the Middle East confrontation between Israel and its Arab neighbors. Historical, geopolitical, and cultural factors combine to make this confrontation one of the most difficult problems in international politics.

In the face of these enormous difficulties, progress toward the resolution of the confrontation has been made—progress that would have been unthinkable even a few years ago. Many factors have contributed to this progress, but it would have been impossible without the courage and imagination of three men—President Sadat, Israel's Prime Minister Menachem Begin, and President Jimmy Carter.

President Sadat's unprecedented visit to Israel in November, 1977, was a turning point in Middle East relations. This was followed by a return visit to Egypt by Prime Minister Begin. With the active intervention of President Carter, the Camp David accords were agreed to in September 1978. The subsequent Egyptian-Israeli Peace Treaty of March, 1979 is a milestone, a step toward a comprehensive peace that is in the security interests of every nation in the Middle East.

The on-going talks on autonomy for the West Bank and Gaza are the next phase in the peace process. Difficult problems remain to be resolved if major progress

is to be achieved by the informal deadline of May 26, 1980. But, based on the record of achievement to date, I am hopeful that progress will be made.

President Sadat has paid a heavy price for his peace-seeking efforts in terms of Egypt's relations with other Arab countries. I hope that in time, these nations will recognize that Egypt's steps toward a comprehensive peace serve the interests of all Arabs. Major progress in the autonomy talks would help to make this clear.

Progress on autonomy for the West Bank and Gaza is also an American foreign policy priority. Without progress on the Palestinian question, it is difficult for the United States to foster closer cooperation with Arab nations—cooperation that is all the more important given recent events in the Persian Gulf and Southwest Asia.

Egypt needs and deserves U.S. support for the peace initiatives taken. Economic and military aid for Egypt—as well as for Israel—contribute to the economic progress and security that are the foundations of peace. This aid is an investment in America's own security. I support the administration's aid requests for Egypt and I am confident that my colleagues in the Senate will do so as well.

President Sadat will be welcomed next week as a firm friend of the United States in a troubled but strategically important part of the world. I join with my colleagues and the American people in wishing President Sadat well in his talks with President Carter—talks that will be complemented by talks with Prime Minister Begin the week after next. We must not lose the momentum of peace in the Middle East.

#### MESSAGE FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5410. An act to amend title 5, United States Code, to require any Federal employee who elects at the time of retirement not to provide survivorship benefits for the employee's spouse to notify (or take all reasonable steps to notify) the spouse of that election;

H.R. 5563. An act to provide that certain judicial pleadings and proceedings in the Commonwealth of Puerto Rico may be conducted in the Spanish language, and for other purposes; and

H.R. 6464. An act to authorize the Secretary of the Army to convey to the Michigan Job Development Authority the lands and improvements comprising the Michigan Army Missile Plant in Sterling Heights, Macomb County, Mich., in return for two new office buildings at the Detroit Arsenal, Warren, Mich.

#### HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 5410. An act to amend title 5, United States Code, to require any Federal employee who elects at the time of retirement not to provide survivorship benefits for the employee's spouse to notify (or take all reasonable steps to notify) the spouse of that election; to the Committee on Governmental Affairs.

H.R. 5563. An act to provide that certain judicial pleadings and proceedings in the Commonwealth of Puerto Rico may be conducted in the Spanish language, and for other purposes; to the Committee on the Judiciary.

#### HOUSE BILL PLACED ON THE CALENDAR

The following bill was read by title and ordered placed on the calendar:

H.R. 6464. An act to authorize the Secretary of the Army to convey to the Michigan Job Development Authority the lands and improvements comprising the Michigan Army Missile Plant in Sterling Heights, Macomb County, Mich., in return for two new office buildings at the Detroit Arsenal, Warren, Mich.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3448. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "A Framework and Checklist for Evaluating Soil and Water Conservation Programs"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3449. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 5 of title 37, United States Code, to make permanent the special pay provisions for reenlistment and enlistment bonuses, and for other purposes; to the Committee on Armed Services.

EC-3450. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Alternatives for Eliminating Amtrak's Debt to the Government"; to the Committee on Commerce, Science, and Transportation.

EC-3451. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, certain proposed amendments to the previously submitted proposed legislation to authorize appropriations to NASA in order to bring the request into line with the President's revised budget for fiscal year 1981; to the Committee on Commerce, Science, and Transportation.

EC-3452. A communication from the Secretary of the Interior, transmitting a draft of proposed legislation to amend title IV of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 et seq.) to establish the Snake River Birds of Prey National Conservation Area, Idaho; to the Committee on Energy and Natural Resources.

EC-3453. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Problem of Disposing of Nuclear Low-Level Waste: Where Do We Go From Here?"; to the Committee on Energy and Natural Resources.

EC-3454. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "U.S. Energy Assistance to Developing Countries: Clarification and Coordination Needed"; to the Committee on Foreign Relations.

EC-3455. A communication from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1981 for the International Natural



Rubber Agreement; to the Committee on Foreign Relations.

EC-3456. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Congress Should Consider Exploring Opportunities To Expand and Improve the Application of User Charges by Federal Agencies"; to the Committee on Governmental Affairs.

EC-3457. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Federal Labor Relations Authority: Its First Year in Operation"; to the Committee on Governmental Affairs.

EC-3458. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the activities of the Department of Justice under the Bankruptcy Reform Act of 1978 for the period October 1 to December 31, 1979; to the Committee on the Judiciary.

EC-3459. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the activities and responsibilities of the Department of Justice for fiscal year 1979; to the Committee on the Judiciary.

EC-3460. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a copy of the March 31, 1980, submission to the Office of Management and Budget concerning a further reduction of the President's recommended fiscal year 1981 budget for the Commission; to the Committee on Rules and Administration.

EC-3461. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on a certain rescission of budget authority for the Department of Energy; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN (for himself and Mr. STEWART):

S. 2535. A bill to amend title XIX of the Social Security Act to permit State Medicaid programs to require nominal payments for basic services provided to categorically needy individuals; to the Committee on Finance.

S. 2536. A bill to amend title XIX of the Social Security Act to permit States to terminate eligibility for Medicaid medical assistance for up to 1 year for individuals determined to have abused the Medicaid program; to the Committee on Finance.

S. 2537. A bill to permit relatives of Medicaid-eligible individuals residing in nursing homes to contribute voluntarily to a State fund for the provision of such care; to the Committee on Finance.

S. 2538. A bill to amend title XIX of the Social Security Act to allow States to provide for competitive bidding for the purchase of certain items under their Medicaid plans; to the Committee on Finance.

By Mr. JAVITS:

S. 2539. A bill to provide for the protection of the public health and safety from unnecessary exposure to radiation due to medical and dental radiologic procedures, to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. YOUNG:

S. 2540. A bill for the relief of Mikako Maeda (MacGregor); to the Committee on the Judiciary.

S. 2541. A bill for the relief of Sumi Maeda; to the Committee on the Judiciary.

By Mr. CHAFEE:

S. 2542. A bill to grant a Federal charter to the Italian American War Veterans of the United States of America; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2543. A bill to extend the appropriation authorization for the Commercial Fisheries Research and Development Act of 1964, as amended; to the Committee on Commerce, Science, and Transportation.

By Mr. CRANSTON:

S. 2544. A bill to establish an Office of Federal Audio-Visual Policy within the Office of Management and Budget, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ARMSTRONG (for himself, Mr. HART, Mr. GOLDWATER, Mr. HATCH, Mr. CANNON, Mr. DOMENICI, and Mr. DECONCINI):

S. 2545. A bill to authorize certain additional measures to assure accomplishment of the objectives of title II of the Colorado River Basin Salinity Control Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ARMSTRONG (for himself and Mr. HART):

S. 2546. A bill to authorize the Secretary of the Interior to design and construct a gunite lining on certain reaches of the Bessemer Ditch in the vicinity of Pueblo, Colo., to prevent or reduce seepage damage on adjacent properties, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAVEL (for himself, Mr. HARTFIELD, Mr. LEVIN, and Mr. HAYAKAWA):

S. 2547. A bill to amend the Internal Revenue Code of 1954 with respect to State or local government obligations issued to finance certain beverage container facilities the construction of which is made necessary by an antidisposable beverage container law; to the Committee on Finance.

By Mr. STONE:

S. 2548. A bill relating to the application of section 103(b) of the Internal Revenue Code of 1954 to certain bonds for harbor improvements; to the Committee on Finance.

By Mr. MAGNUSON:

S. 2549. A bill to authorize appropriations for fiscal years 1981, 1982, and 1983 to carry out the Atlantic Tunas Convention Act of 1975; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S. 2550. A bill to provide for price and wage stabilization; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRANSTON:

S. 2551. A bill to establish the Big Sur Coast National Scenic Area in the State of California; to the Committee on Energy and Natural Resources.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS:

S. 2539. A bill to provide for the protection of the public health and safety from unnecessary exposure to radiation due to medical and dental radiologic procedures, to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Labor and Human Resources.

#### MEDICAL RADIATION SAFETY ACT OF 1980

Mr. JAVITS. Mr. President, today I am introducing a bill designed to protect the public from unnecessary exposure to medical X-rays.

With breakthroughs of new technology and new applications of existing technology, the use of radiation in the healing arts is constantly on the rise. More and more the public is aware of the health hazards associated with radiation exposure. Much of this is natural background radiation, over which we have little control. But for many years public attention has been concentrated solely on the potential dangers of nuclear power and atomic weapons tests, although these actually contribute only a small portion of peacetime radiation exposure. The much larger danger, and one which we can control, is from improperly controlled medical and dental X-rays. Medical radiation accounts for 90 percent of radiation exposure above normal background levels which the average citizen receives.

Every year over 240 million diagnostic X-ray examinations are given in the United States to as much as 90 percent of the population. The majority of these procedures are undoubtedly beneficial to the health of Americans, and many are lifesaving. No one should be discouraged from having an X-ray when it is medically necessary. But scientists and government officials now believe a large part of exposure to medical X-rays—30 percent or more—is unnecessary and can be avoided without loss of benefit to the patient. Reports by the National Academy of Sciences indicate that exposure to low levels of radiation can present serious health risks, and that exposure to 0.1 rem may be causing 2,000 to 9,000 excess cancers per year. Some estimates place that figure even higher. Where these risks are being taken unnecessarily, we cannot afford to stand by and watch.

Overexposure to medical X-rays is also costing this country billions of dollars in health care and lost productivity. In 1977 the total cost of X-ray examinations was \$6.5 billion—twice the budget of NIH and 4.5 percent of the Nation's total health care bill—and the Federal Government must pick up the tab for many of these procedures. The FDA estimates that some \$2 billion of that is wasted every year on unnecessary X-rays which may do patients more harm than good, besides fueling raging health care costs. That \$2 billion covers only direct medical costs, and doesn't begin to include the expenses we could face 10 to 20 years from now when slow-developing cancers and birth defects begin to surface. We can expect that an additional one-fourth of the immediate cost of X-rays, in the range of \$500 million a year, will appear in later years as deferred health care costs, without even counting lost productivity, or possible genetic mutations doomed to be passed on to future generations. We are already seeing higher rates of cancer and other diseases traceable to the indiscriminate mass X-ray

and mammography screening programs of the 1940's and 1950's.

We could save needless risks and money by reducing X-ray exposure where possible. Yet it is becoming increasingly clear that our existing regulations and enforcement programs are not adequate to protect the public from hazardous levels of exposure.

Last year a major study by the Interagency Task Force on Ionizing Radiation headed by HEW highlighted the dangers of population exposure to medical X-rays, and found that radiation protection responsibilities are widely scattered among numerous Federal agencies with little coordination of resources and objectives. The report was the subject of extensive hearings in the Subcommittee on Energy, Nuclear Proliferation, and Federal Services of which I am ranking minority member. The report suggested that there is inadequate policing of radiologic equipment both at the distribution stage and later, in the hospitals and clinics where it is used, and that many physicians are not adequately educated in exposure techniques and hazards. The task force targeted medical radiation exposure for early action, urging that the United States "undertake a concerted program to achieve radiation exposure reduction in the healing arts." As of today, no such program exists.

A study released by the General Accounting Office last December confirmed these findings, and found that overexposure from medical radiation continues to be a serious problem, despite the mandatory and voluntary standards set by the Food and Drug Administration. The FDA's model X-ray technician licensing program has gained acceptance in only a handful of States. Doctors continue to overprescribe X-rays despite FDA's educational efforts. And even with mandatory performance standards in place for new equipment, 30 percent of new machines are still out of compliance on initial inspection. Clearly these programs are not enough, and the public is looking to the Federal Government for better protection. State officials, professionals, and consumer advocates believe the situation will not improve unless the Federal Government takes a stronger role in radiation protection. My package addresses these issues, and proposes a comprehensive program to reduce medical radiation exposure.

Increased coordination of diverse Federal radiation protection responsibilities is the essential centerpiece of any successful radiation protection program. S. 1938 filed by Senator GLENN establishes a Federal Radiation Protection Council to resolve the problems of overlapping jurisdiction and conflicting responsibilities, and requires the Council to develop a plan for reducing medical radiation exposure. I will be proposing an amendment to insure that the Council gives high priority to this important task in the first year of its life. The President has more recently established by Executive order a Radiation Policy Council, but it lacks the authority to make recommendations to the President

and to Congress regarding radiation policy. The Glenn bill gives the Council this important authority.

My legislative package proposes a comprehensive set of new standards for X-ray equipment and procedures in order to assure the safe application of medical and dental radiation. Many of these standards have already been implemented in a few States such as New York and California, where they have met with widespread success and have been held up as a model for other State and Federal efforts.

First, the bill proposes a system of licensing operators of medical and dental X-ray equipment. Similar licensing bills have passed the Senate in both the 94th and 95th Congresses, but have not been enacted into law. My bill will require the Secretary of Health and Human Services to set standards for State licensing programs, and will require licensing of all X-ray technicians within 3 years. The bill also provides for Federal standards of accreditation for educational institutions which train X-ray technicians, so that we may be sure of the quality of education these technicians receive. The bill follows the approach taken by Congressman LENT in H.R. 5934.

It is inexcusable to allow persons with little or no training to administer X-rays, and yet this is possible in most States and as many as 50 percent of technologists have no recognized credentials. In Connecticut it is estimated that 90 percent of all dental X-rays are performed by assistants with no formal radiologic training. And yet in many of these States other professionals such as beauticians and butchers must be licensed and have up to 1,500 hours of formal training, although their professions constitute a lesser hazard to public health and safety.

X-ray technicians are largely responsible for protecting patients from overexposure. They determine the size and intensity of the X-ray beam, the duration of exposure, the shielding of reproductive organs, and the quality of film produced. We must insure that they receive the best possible training and have adequate knowledge of the need for caution in the use of this dangerous medical tool.

Today the Health Subcommittee on which I serve is holding hearings on a licensing proposal introduced by Senator RANDOLPH. I will be working in committee to address these and other concerns as the committee considers this proposal.

Under the second title of my bill, the Secretary would propose standards for quality assurance programs in X-ray facilities such as hospitals and clinics. FDA studies show that the exposure used for identical X-ray examinations can vary as much as one hundredfold from one facility to another. These facilities provide the largest volume of radiologic services, and are thus a major target for exposure reduction efforts. My bill would require facilities to meet those standards within 3 years as a condition of Federal reimbursement for X-ray.

Quality assurance programs have been shown to contribute significantly to exposure reduction. An FDA study done in cooperation with a Baltimore Public

Health Service hospital showed a reduction of 30 percent in the number of films which had to be retaken because of poor technique, after instituting such a program. If only 10 percent of exposures are eliminated nationwide, the savings in film alone would amount to \$130 million a year. Another \$200 million per year could be saved in deferred health costs from avoiding overexposure.

Another aspect of quality control is the restriction of beam size on X-ray equipment. Approximately one-half of all X-ray exposures involve the use of a beam that is larger than the film registering the image; 15 percent of beams are more than twice as large as the film plate. This extra exposure can in no way contribute to the patient's benefit, and if the beam size is properly controlled, one-third of exposure can safely be avoided.

This section would also require users of X-ray equipment to recertify equipment on an annual basis as meeting applicable performance and quality assurance standards. Most experts agree that frequent inspection and calibration of equipment is necessary to keep these complex systems in proper adjustment. Yet, only 5 percent of all X-ray equipment is subject to annual State or Federal inspection. Many States inspect equipment only once every 6, 8, or 10 years, and serious defects can go unnoticed for that long while subjecting patients to hazardous exposure. In one case, the GAO found that patients in the waiting room of a Virginia dentist's office were receiving doses in excess of the State levels. These situations cannot be allowed to exist when they can be easily corrected, and an annual recertification program would insure that hazards do not go uncorrected for long.

Finally, my bill will allow the Secretary to set a number of restrictions on X-ray equipment and its use. Of top priority are minimum performance standards for X-ray equipment manufactured prior to August 1, 1974. That equipment is presently exempt from existing performance standards, yet may continue to be used for many years before being replaced with newer equipment. Older machines also require higher doses of radiation to obtain quality radiographs than newer equipment, and are thus more likely to overexpose patients. My bill would implement the recommendation of the HEW Interagency Task Force that these machines be subject to a minimum Federal standard.

This section also provides for consideration to be given to the possible hazards of exposure, and conditions such as pregnancy under which exposure is most undesirable. Such standards would emphasize the importance of protective shielding for reproductive organs which are those most susceptible to damage that is passed on to future generations.

Finally, the section authorizes the Secretary to prohibit the routine screening of asymptomatic patients, for whom X-ray exposure is of little value. The American Cancer Society recently announced a new position opposing routine screening for patients at low risk. But many forms of routine screening, such as chest X-rays often required for hospital ad-



mission or employment and dental examinations, are not thought of as such and are accepted as valuable medical practice. We must insure that X-rays are administered for specific medical reasons when necessary, and not as a supposedly "harmless" adjunct to other medical procedures.

The bill authorizes Federal assistance to States for the administration of certain programs, such as licensing and quality assurance programs. While specific costs from these programs have not been ascertained, we will give further consideration to the necessary sums in committee and I would expect to arrive at specific figures at that time. Many of the requirements in the bill can be "self-financed" by the health care providers and will not require Federal assistance.

The problems of regulation are complex, and certainly every agency is faced with practical and financial restrictions in carrying out its duties. But this current situation cannot be allowed to continue to endanger the health of Americans who have placed their trust in the health care system.

I am today asking the GAO to study FDA's use of authority available to it to enforce compliance with existing Federal regulations, namely, the performance standards for radiologic equipment. I will also request GAO's recommendations for more effective deterrents to the high rate of violations consistently found during inspection. The GAO will also study the implementation of guidelines for diagnostic X-rays in Federal facilities, which were recommended by EPA and FDA and approved by the President in January 1978.

I am also working with the Office of Technology Assessment to determine the status of research into the health effects of nonionizing radiation. Such radiation, particularly microwaves and ultrasound, are being used extensively to replace X-rays in medicine but may not be, as they are believed, a safer alternative. The OTA will assist me in evaluating the state of research in this area, and will recommend further research that is needed. This may be an equally important task for the Research Conference to be established under S. 1938.

Mr. President, we know that X-rays can be a lifesaving tool when used in the right hands. We are beginning to find out about the dangers which can be associated with X-rays, and we realize that they should not be used indiscriminately. The decision about whether or not to have an X-ray is ultimately the decision for each individual patient to make with his or her physician in the context of his or her particular medical needs. But the American public has a trust in the health care system, and in the Government which is charged with assuring its safety. We cannot betray that trust. And with the knowledge that we now have about medical radiation and its possible hazards, I believe this legislation is necessary to assure the safety of X-ray equipment and the way it is used. I will continue to work in my capacity as a member of the Senate Health Subcommittee and the Energy Subcommittee on these vital issues, and I look forward to working

with my colleagues on the important aspects of medical radiation.

By Mr. CHAFEE:

S. 2542. A bill to grant a Federal charter to the Italian American War Veterans of the United States of America; to the Committee on the Judiciary.

#### ITALIAN AMERICAN WAR VETERANS CHARTER

Mr. CHAFEE. Mr. President, today, I am introducing legislation to provide a Federal charter for the Italian American War Veterans (IAWV) of the United States.

Founded in 1932, with a handful of local posts in New York and Connecticut, the Italian American War Veterans is a nonprofit service organization now incorporated in eight States and active in several others.

During the past 48 years, the organization has been involved in various charitable- and community-service activities. In assisting this Nation's hospitalized veterans, the IAWV is presently involved with more than 20 veterans hospitals. The group has consistently made donations to the needy and the handicapped. While honoring the memory of those who have given their lives to their country, members have also provided assistance to veterans' widows and their children.

Mr. President, the IAWV has sought national incorporation for some time. The organization meets all of the requirements established by Congress pertaining to Federal charters. The distinguished former Minority Leader Senator Everett Dirksen, in 1965, introduced legislation similar to my own. Ongoing efforts in the House of Representatives have received broad bipartisan support.

The IAWV continues to seek a Federal charter with good reason. It is the accepted criterion by which the Veterans' Administration and the Congress have always determined the acceptability of such an organization. Federal recognition of the group's many years of voluntary service would grant new impetus to their activities and membership, which, increasingly, are national in scope.

Mr. President, many of my colleagues are aware of the strict constraints which the House and Senate Judiciary Committees have placed on the consideration of Federal charters. Congress should not be indiscriminate in passing such proposals. However, we must also consider the relative benefits to be derived from encouraging the charity and volunteerism of groups such as the IAWV through the legislative process.

As the Italian American War Veterans approach their 50th year of community service, I urge my colleagues to join me in fully recognizing their achievements through the issuance of a Federal charter.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2542

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons:*

Louis Ambrosio, Chatham, New York,

Carmen Albanese, Union, New Jersey,  
John Amadio, Struthers, Ohio,  
Anonio Alfano, Warwick, Rhode Island,  
Anthony Arcomano, Trenton, New Jersey,  
Peter Argenti, Lorain, Ohio,  
Herbert Asbi, Johnston, Rhode Island,  
Guy Asci, East Boston, Massachusetts,  
Vincent Badali, Rochester, New York,  
Larry Battisti, Chicago, Illinois,  
Angelo Bennati, Nutley, New Jersey,  
Orlando Bisbano, Bristol, Rhode Island,  
Joseph Bosco, Everett, Massachusetts,  
Dominick Butch, Youngstown, Ohio,  
Frank Ciccone, Providence, Rhode Island,  
Eugene Civitello, Schenectady, New York,  
Robert Clementi, Chicago, Illinois,  
Anthony Crea, Sr., Trenton, New Jersey,  
Frank Cretella, East Haven, Connecticut,  
James Cuzzzone, Park Ridge, Illinois,  
Armond Centazzo, Bristol, Rhode Island,  
Kenneth Crisafulli, Oswego, New York,  
Julius Catanzarite, Elyria, Ohio,  
Robert Dardano, Rochester, New York,  
Anthony D'Avolio, Chicago, Illinois,  
Ugo DelGizzo, Warwick, Rhode Island,  
Michael DeMarco, Youngstown, Ohio,  
Armando DeMartino, Malden, Massachusetts,  
John DePastino, Waterbury, Connecticut,  
Silvio DeSantis, Lafayette Hill, Pennsylvania,  
Ernest D'Ambrosio, Fall River, Massachusetts,  
Joseph DiPrima, Leominster, Massachusetts,  
Joseph DeSantis, Rochester, New York,  
Dando DeManna, Johnston, Rhode Island,  
Neil DellArco, Youngstown, Ohio,  
Vincent Esposito, Philadelphia, Pennsylvania,  
Dominic Esposito, Lorain, Ohio,  
Frank Ferralola, Norristown, Pennsylvania,  
George Falconiero, Conshohocken, Pennsylvania,  
Alfred Faticoni, Newington, Connecticut,  
Louis Gagliardi, New Britain, Connecticut,  
Joseph Gaeto, Melrose Park, Illinois,  
Louis Gaimpa, Norridge, Illinois,  
Sam Grillo, Taftville, Connecticut,  
Al Laudone, Norwich, Connecticut,  
Joseph Leonelli, Cranston, Rhode Island,  
Daniel Lomurno, Collingswood, New Jersey,  
Vincent Loparco, Camillus, New York,  
John Luparia, Wallingford, Connecticut,  
Charles Maccia, Roselle, New Jersey,  
Carl Mangona, Saratoga Springs, New York,  
John Masciantonia, Philadelphia, Pennsylvania,  
Ralph Mongiovi, Medford, Massachusetts,  
Anthony Munio, Providence, Rhode Island,  
Anthony Mastrolani, Milford, Massachusetts,  
Louis Mucci, Medford, Massachusetts,  
Anthony Murello, Lorain, Ohio,  
Rocco Maglione, Malden, Massachusetts,  
Guy Mucci, Revere, Massachusetts,  
Rocco Marcantonio, Meriden, Connecticut,  
John Marinelli, Franklin Park, Illinois,  
John Nave, Syracuse, New York,  
Anthony Nicotera, Melrose Park, Illinois,  
Ralph Paparella, East Providence, Rhode Island,  
George Pecci, Trenton, New Jersey,  
Carl Padula, Waterbury, Connecticut,  
Frank Pannello, Everett, Massachusetts,  
Tino LaPaglia, Phoenix, Arizona,  
Mario Cattani, Phoenix, Arizona,  
Emilio Pasquale, Little Falls, New York,  
Anthony Petrellis, Belmont Hills, Pennsylvania,  
Paul Pistilli, Saratoga Springs, New York,  
Dominick Rosati, Syracuse, New York,  
Nicholas Raimo, Belleville, New Jersey,  
Basil Rigano, Malden, Massachusetts,  
Michael Rongo, Elmwood Park, Illinois,  
Anthony Ross, Canfield, Ohio,  
Santo Sacchetti, Providence, Rhode Island,  
Ralph San Felice, Saratoga Springs, New York,  
Sylvester San Felice, Saratoga Springs, New York,

John Sarlo, Waterbury, Connecticut,  
Michael Scricca, New Britain, Connecticut,  
Father Joseph Tamburcni, East Liver-  
pool, Ohio,

Anthony Tucci, Youngstown, Ohio,  
Pat Verdiglio, Enfield, Connecticut,  
Francis Villa, Malden, Massachusetts and  
their successors are created a body corporate  
by the name of the Italian American War  
Veterans of the United States of America  
(hereinafter in this Act referred to as the  
"corporation"), and by such name shall be  
known and have perpetual succession,  
powers, and limitations contained in this  
Act.

Sec. 2. A majority of the persons named  
in the first section of this Act, or their suc-  
cessors, are authorized to complete the or-  
ganization of the corporation by the selec-  
tion of officers, the adoption of a constitu-  
tion and bylaws, employment of personnel,  
and the doing of such other acts as may be  
necessary for such purpose.

Sec. 3. The objects and purposes of the  
corporation are as follows:

(a) To be an internationalized type of  
veterans organization.

(b) To promote peace, prosperity, and good  
will between the peoples of the United States  
and the Republic of Italy.

(c) To stimulate patriotism in the minds  
of all Americans by encouraging the study  
of the history of our Nation.

(d) To give patriotic allegiance to the  
United States, fidelity to its Constitution and  
laws, and support to the security of civil lib-  
erty and permanence of free institutions.

(e) To preserve and defend the United  
States from all enemies without any reser-  
vations whatsoever.

(f) To gather, collate, edit, publish, and  
exhibit the memorabilia, data, records, mili-  
tary awards, decorations, citations, and so  
forth, for the purpose of preserving the mem-  
ories and records of patriotic service per-  
formed by men and women who served in the  
Armed Forces of the United States.

(g) To be a nonprofit, nonpolitical, and  
nonsectarian corporation.

(h) To be a bona fide veterans' organiza-  
tion on a local, regional, State, national, and  
international level, and to enjoy all the  
appropriate rights and privileges.

Sec. 4. The corporation shall have perpet-  
ual succession and shall have the power—

(a) to sue and be sued;

(b) to acquire, hold, and dispose of such  
real and personal property as may be neces-  
sary to carry out the corporate purposes;

(c) to make and enter into contracts;

(d) to accept gifts, legacies, and devices  
which will further the corporate purposes;

(e) to borrow money for the purposes of  
the corporation, issue bonds therefor, and  
secure same by mortgage, subject in every  
case to all applicable provisions of Federal  
and State law;

(f) to adopt and alter a corporate seal;

(g) to establish, regulate, and discontinue  
subordinate State and regional organiza-  
tions and local chapters or posts;

(h) to choose such officers, representa-  
tives, and agents as may be necessary to  
carry out the corporate purposes;

(i) to establish and maintain offices for  
the conduct of the affairs of the corporation;

(j) to adopt and alter a constitution and  
bylaws not inconsistent with law;

(k) to publish a newspaper, magazine, or  
other publications;

(l) to adopt and alter emblems and badges;

(m) to have a women's auxiliary;

(n) to conduct Columbus Day affairs and  
celebration, as well as any other patriotic  
doings or functions; and

(o) to do any and all acts and things nec-  
essary and proper to accomplish the objects  
and purposes of the corporation.

Sec. 5. The corporation shall have no power  
to issue capital stock or engage in business  
for pecuniary profit or gain.

Sec. 6. The corporation shall not furnish  
financial aid to, or otherwise promote the  
candidacy of any person seeking public  
office.

Sec. 7. Any American citizen shall be eligi-  
ble for membership in the corporation who  
was honorably discharged from the Armed  
Forces of the United States of America under  
conditions and provisions outlined in the  
corporation's constitution and bylaws.

Sec. 8. The headquarters and principal  
place of business of the corporation shall be  
located in the city of Hartford, Connecticut,  
or such other place as may be later deter-  
mined by the corporation, but the activities  
of the corporation as set out in this Act  
shall not be confined to that place, but shall  
be conducted throughout the several States  
and any territory or possession of the United  
States, including Puerto Rico.

Sec. 9. In the event of final discussion or  
liquidation of such corporation, and after  
the discharge or satisfactory provisions for  
the discharge of all its liabilities, the remain-  
ing assets of the corporation shall be trans-  
ferred to the Veterans' Administration to be  
applied to the care and comfort of sick and  
disabled veterans.

Sec. 10. The corporation and its State and  
regional organizations and local chapters or  
posts shall have the sole and exclusive right  
to have and use in carrying out its purposes  
and objectives the name "Italian American  
War Veterans of the United States of Amer-  
ica", and such seals, emblems, and badges  
as the corporation may lawfully adopt.

Sec. 11. The corporation shall—

(a) keep correct and complete books and  
records of account, and shall also keep min-  
utes of the proceedings of its members, exec-  
utive committee, and committee, having any  
authority of the executive committee;

(b) keep at its registered office or principal  
office a record giving the names and ad-  
dresses of its members entitled to vote; and

(c) permit all books and records of the  
corporation to be inspected by any member  
or his agent or his attorney for any proper  
purpose at any reasonable time.

Sec. 12. (a) As a condition precedent to  
the exercise of any power or privilege granted  
or conferred in this Act, the corporation shall  
file in the office of the Secretary of each  
State or of any territory or possession of the  
United States, in which organizations, chap-  
ters, or posts may be organized, the name  
and post office address of an authorized agent  
upon whom local process or demands against  
the corporation may be served.

(b) The corporation shall have in the Dis-  
trict of Columbia at all times a designated  
agent authorized to accept services of process  
for the corporation; and notice to or  
service upon such agent, or mailed to the  
business address of such agent, is deemed  
notice to or service upon the corporation.

Sec. 13. Such provisions, privileges, and  
prerogatives as have been granted to other  
national veterans' organizations by virtue of  
their being incorporated by Congress are  
granted to the Italian American War Veter-  
ans of the United States of America.

Sec. 14. (a) No part of the income or as-  
sets of the corporation shall inure to any  
member, director, officer, or employee of the  
corporation or be distributable to any per-  
son during the life of the corporation or  
upon its dissolution or final liquidation.  
Nothing in this subsection shall be con-  
strued to prevent the payment of reasonable  
compensation to officers and employees of  
the corporation or to prevent their reim-  
bursement for actual necessary expenses in  
amounts approved by the corporation's  
board of directors.

(b) The corporation shall not make  
loans to its members, officers, directors, or  
employees. Any director who votes for or  
assents to the making of such a loan, and  
any officer who participates in the making  
of such loan, shall be jointly and severally  
liable to the corporation for the amount of  
such loan until the repayment thereof.

Sec. 15. The corporation shall be liable  
for the acts of its officers and agents when  
acting within the scope of their authority.

Sec. 16. The provisions of sections 2 and  
3 of the Act entitled "An Act to provide for  
audit of accounts of private corporations  
established under Federal law" (36 U.S.C.  
1102, 1103), approved August 30, 1964, shall  
apply with respect to the corporation.

Sec. 17. The corporation may acquire the  
assets of the following State corporations of  
the Italian American War Veterans of the  
United States, incorporated upon discharg-  
ing or satisfactorily providing for the pay-  
ment and discharge of all the liability of  
such corporation and upon complying with  
all applicable laws of the State: New York,  
Corporation of 1933; Connecticut, Corpora-  
tion of 1932; New Jersey, Corporation of  
1936; California, Corporation of 1939; Penn-  
sylvania, Corporation of 1941; Ohio, Corpora-  
tion of 1943; Rhode Island, Corporation of  
1950; Florida, Corporation of 1955; and Mas-  
sachusetts, Corporation of 1944.

Sec. 18. The right to alter, amend, or re-  
peal this Act is expressly reserved.

By Mr. MAGNUSON (by re-  
quest):

S. 2543. A bill to extend the appro-  
priation authorization for the Commer-  
cial Fisheries Research and Development  
Act of 1964, as amended; to the Com-  
mittee on Commerce, Science, and  
Transportation.

● Mr. MAGNUSON. Mr. President, today  
I am introducing legislation to ex-  
tend authorizations for the Commercial  
Fisheries Research and Development Act  
of 1964 for fiscal years 1981, 1982, and  
1983. This legislation was requested by  
the administration last year.

I ask unanimous consent that the bill,  
the administration's letter of transmit-  
tal, and a statement of purpose and need  
be printed in the RECORD.

There being no objection, the bill and  
material were ordered to be printed in  
the RECORD, as follows:

S. 2543

*Be it enacted by the Senate and House  
of Representatives of the United States of  
America in Congress assembled,* That section  
4 of the Commercial Fisheries Research and  
Development Act of 1964, as amended (16  
U.S.C. 779b), is further amended as follows:

(1) In section 4(a) (16 U.S.C. 779b(a))  
after the date "1980," add "(3) Such sums as  
may be necessary for fiscal years 1981, 1982,  
and 1983."

(2) In section 4(b) (16 U.S.C. 779b(b))  
after the date "1980," add "(3) Such sums  
as may be necessary for fiscal years 1981,  
1982, and 1983."

(3) In section 4(c) (16 U.S.C. 779b(c))  
after the date "1980," add "(3) Such sums  
as may be necessary for fiscal years 1981,  
1982, and 1983."

THE SECRETARY OF COMMERCE,

Washington, D.C., March 26, 1979.

HON. WALTER F. MONDALE,  
President of the Senate,  
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are six  
copies of a bill "To extend the appropriation  
authorization for the Commercial Fisheries  
Research and Development Act of 1964, as



amended," together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of this legislation to the Congress and further that its enactment would be in accord with the program of the President.

Sincerely,

JUANITA M. KREPS,  
Secretary of Commerce.

#### STATEMENT OF PURPOSE AND NEED

The Commercial Fisheries Research and Development Act of 1964 (P.L. 88-309) contains three separate authorizations for appropriations to carry out the purposes of the Act. These authorizations, contained in section 4(a), 4(b), and 4(c) of the Act (16 U.S.C. 779b(a), (b), and (c)), all expire on September 30, 1980. Public Law 95-53 extended all three authorizations through fiscal year 1980 at the following levels—\$10,000,000 annually for section 4(a) for apportionment to the states to carry out the purposes of the Act; \$3,000,000 annually for section 4(b) to be made available to the states for the purposes of restoring fisheries affected by failures due to disasters from natural or undetermined causes; and \$500,000 annually for section 4(c) to be made available to the states for developing new commercial fisheries. The proposed amendment to the Act would extend all three authorizations for three years through fiscal year 1983 for such sums as may be necessary.

The Act has proven to be useful in encouraging the development of the commercial fisheries resources of the nation. The states, through the matching fund program of the Act conduct programs for the conservation of fish and wildlife resources.●

By Mr. GRAVEL (for himself, Mr. HATFIELD, Mr. LEVIN, and Mr. HAYAKAWA):

S. 2547. A bill to amend the Internal Revenue Code of 1954 with respect to State or local government obligations issued to finance certain beverage container facilities the construction of which is made necessary by an antidisposable beverage container law; to the Committee on Finance.

● Mr. GRAVEL. Mr. President, today I introduce legislation which will clarify that facilities to comply with beverage container laws can be financed with tax exempt industrial development bonds. The tax law already allows tax exempt financing for "solid waste disposal facilities," but the IRS has refused to rule that expenditures for converting to reusable bottles in States with "bottle" laws are eligible facilities. The conversion from disposable to returnable bottles requires substantial new capital investment which is governmentally mandated to deal with the problem of solid waste disposal. The IRS position results in the following absurd outcome:

Under existing law, if a taxpayer purchased a truck with which to collect discarded nonreturnable bottles; land, warehouses, and machinery to store the bottles, crush them, clean the glass, and recycle it into new bottles which he sells at a profit, tax exempt financing would be available for all phases of his capital investment.

However, if another taxpayer sells soda in nonreturnable bottles and, because of the passage of a State "bottle" law, he converts to the use of returnable bottles

in the process purchasing new bottles, trucks with which to collect the bottles; land, warehouses, and machinery to store the bottles, clean and sterilize them he cannot use tax exempt financing for any of the capital costs.

As with many of the provisions regarding tax exempt bonds under the Internal Revenue Code, these limitations do not make any sense. I believe that the legislation I propose will be of potential benefit to bottlers in States throughout America and I hope that the Congress will act to adopt this legislation quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2547

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. QUALIFIED BEVERAGE CONTAINER FACILITIES.

(a) IN GENERAL.—Paragraph (4) of section 103(b) of the Internal Revenue Code of 1954 (relating to certain exempt activities) is amended—

(1) by striking out "or" at the end of subparagraph (G),

(2) by striking out the period at the end of subparagraph (H) and inserting in lieu thereof a comma and "or", and

(3) by inserting after subparagraph (H) the following new subparagraph:

"(I) Qualified beverage container facilities."

(b) QUALIFIED BEVERAGE CONTAINER FACILITY DEFINED.—Subsection (b) of section 103 of such Code is amended by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following new paragraph:

"(9) QUALIFIED BEVERAGE CONTAINER FACILITIES.—For purposes of this section—

"(A) IN GENERAL.—The term 'qualified beverage container facility' means a beverage container facility—

"(i) the construction, reconstruction, erection, or acquisition of which occurs during the period beginning on the date of enactment of a beverage container law applicable to containers in connection with which such facility is used and ending on the date which is 2 years after the effective date of such law,

"(ii) which does not replace an existing beverage container facility, and

"(iii) which is used in connection with a beverage container law.

"(B) BEVERAGE CONTAINER FACILITY.—The term 'beverage container facility' means the initial supply of refillable beverage containers and shells, plus any facility used by a distributor or bottler of beverages—

"(i) used in the collection, sorting, handling, or storage of beverage containers,

"(ii) used in the cleaning and processing of refillable beverage containers, or

"(iii) used for production of refillable beverage containers and shells, or

"(iv) for the manufacture of metal beverage container tops with non-detachable opening devices where a beverage container law requires them.

"(C) BEVERAGE CONTAINER LAW.—The term 'beverage container law' means a law of a State or a political subdivision thereof which—

"(i) requires the purchaser of beverages sold in containers within the jurisdiction of that State or political subdivision to pay a refundable deposit or fee to the seller in connection with the purchase of such beverages,

"(ii) prohibits or discourages the sale of beverages in nonreturnable containers, or

"(iii) prohibits or discourages the sale of beverages in metal containers unless the containers have nondetachable opening devices."

#### SEC. 2. EFFECTIVE DATE.—

(a) IN GENERAL.—The amendments made by section 1 of this Act shall apply with respect to obligations issued after December 31, 1979.

(b) SPECIAL RULES.—The cost of a qualified beverage container facility described in section 103(b)(4)(I) of the Internal Revenue Code of 1954 shall be treated as an amount which is chargeable to capital account. Such a facility shall not be treated as a facility not described in section 1.103-8(a)(5)(iv) of the Income Tax Regulations solely because the facility was used by a substantial user (within the meaning of such regulations) before the date of issue of the State or local obligation used to provide the facility if—

(1) a bond resolution was adopted, or other similar official action was taken, by the issuer of the obligations before the commencement of the construction, reconstruction, erection, or acquisition of such facility, and

(2) such obligations are issued no later than 1 year after the date of enactment of this Act.●

By Mr. STONE:

S. 2548. A bill relating to the application of section 103(b) of the Internal Revenue Code of 1954 to certain bonds for harbor improvements; to the Committee on Finance.

● Mr. STONE. Mr. President, today I am introducing the companion bill to legislation, H.R. 5847, introduced in the House of Representatives by Congressman SAM GIBBONS. This legislation will enable the Tampa Port Authority to use tax-exempt industrial development bonds to expand and improve the Tampa Port. This expansion will produce substantial economic benefits for the State and the local community, and will result in a revenue gain to the Federal Government through the elimination of demurrage charges and a tax gain on the increased business.

I ask unanimous consent to have printed in the RECORD a letter from the Tampa Port Authority outlining the need for this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Re H.R. 5847—Relating to the application of Section 103(b) of the Internal Revenue Code of 1954 to certain bonds for harbor improvements.

Hon. RICHARD "DICK" STONE,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR STONE: As you may know, the Phosphate Industry has suffered greatly by virtue of the terminal capacity within the Tampa range not being able to meet the current-day demand for foreign and domestic shipments in a timely and efficient manner. Demurrage costs for ships waiting to be loaded are quite substantial and these are absorbed by the industry, resulting in higher prices being passed along to customers and consumers.

One very positive action to help solve this problem, as viewed by the Board of Commissioners of the Tampa Port Authority, is a project wherein the Authority will acquire and expand the capacity of an existing phosphate terminal for lease-back to a joint venture group. More specifically, the project

envisions our acquisition of the Agrico Chemical Company's Big Bend terminal in the lower East Bay area of our port and the lease-back to a new company, one of whose owners will be Agrico.

The proposed legislation will enable the Authority to issue tax-exempt bonds whereas Agrico's inclusion in the joint venture company will, under an existing Treasury regulation, prohibit this endeavor. We believe this regulation to be inconsistent with the tax incentive contained in other sections of the Internal Revenue Code and seek to have it set aside for this project.

Over and above the major benefits to accrue through increased efficiency in movement of phosphate through the Port of Tampa, there are substantial corollary benefits. The Authority will net in the neighborhood of one half million dollars annually from the project which can support port improvements at no cost to taxpayers. Additionally, some 100 acres of waterfront property will pass to the Authority in the transaction and can be used to support further growth within the port.

Quite frankly, Senator, we are quite concerned that with the exceedingly high costs involved, this very important development in our port could rise or fall on the issue of tax-exempt financing. Because of this concern we request your assistance in bringing this legislation before the Senate. Specifically, we ask that you introduce a companion bill in the Senate to that introduced by Congressman Gibbons in the House, and that you urge Senator Byrd to take up the bill for hearing during the session, which I understand is set for April 24/25, 1980.

Our Authority staff and Mr. Hector Alcala, whose firm represents the Authority in the matter, are at your service, should you require additional information. I understand that Hector has provided your office with specifics concerning the project and its benefits. For that reason I have held to generalities in this letter.

We are, as always, grateful for your support in developing the Port of Tampa into one of America's finest. We would be exceedingly grateful for your additional support in this matter.

With kindness regards, I am  
Respectfully,

TED DELAVERGNE, JR.,  
Chairman.

By Mr. MAGNUSON:

S. 2549. A bill to authorize appropriations for fiscal years 1981, 1982, and 1983 to carry out the Atlantic Tunas Convention Act of 1975; to the Committee on Commerce, Science, and Transportation. ● Mr. MAGNUSON. Mr. President, today I am introducing legislation to extend the authorization of appropriations for the Atlantic Tunas Convention Act of 1975 for fiscal years 1981, 1982, and 1983. This act implemented the International Convention for the Conservation of Atlantic Tunas, which currently has been ratified by 19 countries, and which provides for regulations of the exploitation of Atlantic tunas and similar species. The administration has testified in support of identical legislation before the House.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2549

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Atlantic Tunas Convention Act*

of 1975 (16 U.S.C. 971h) is amended by striking out "and 1980" and inserting in lieu thereof "1980, 1981, 1982, and 1983". ●

By Mr. KENNEDY:

S. 2550. A bill to provide for price and wage stabilization; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY), I send to the desk a bill for him dealing with wage and price controls.

I ask unanimous consent that Mr. KENNEDY's statement, bill, and analysis of his bill be printed in the RECORD.

There being no objection, the statement, bill, and analysis were ordered to be printed in the RECORD, as follows:

#### STATEMENT BY SENATOR KENNEDY

I am introducing today the legislation which has become essential if this nation is to escape the rising and uncontrollable spiral of inflation. This legislation—The Emergency Price and Wage Control Act of 1980—requires the President to impose an immediate freeze upon prices, wages, rents, dividends, profits, and interest rates to be followed by a period of price and wage controls.

The necessity for binding legislation arises because responsibility for leadership in confronting our economic problems has passed to the Congress. In the areas of energy, of budgetary restraint, of improving productivity and competition, it is the Congress, not the White House, which is fashioning our agenda for the 1980's. I recognize the difficulty of enacting legislation on this issue in the face of a Presidential threat of veto. Nonetheless I introduce this bill to provide increased opportunity to debate this issue.

S. 2550

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Wage-Price Control Act of 1980".

#### STATEMENT OF PURPOSE AND INTENT

SEC. 2. (a) The purposes of this Act are—  
(1) to end inflation and preserve the value of the national currency;

(2) to stabilize the cost of living and the cost of production for workers, consumers, farmers, and businessmen;

(3) to protect consumers, wage earners, investors, and persons with relatively fixed or limited incomes from undue impairment of their living standards;

(4) to assist in maintaining a reasonable balance between purchasing power and the supply of consumer goods and services;

(5) to protect the national economy against future loss of needed purchasing power by the present dissipation of individual savings; and

(6) to prevent a future economic collapse.

(b) It is the intent of Congress that the authority conferred by this Act shall be exercised in accordance with the maintenance and furtherance of the American system of competitive enterprise, including independent small business enterprises, the maintenance and furtherance of a sound agricultural industry, the maintenance and furtherance of sound working relations, including collective bargaining, and the maintenance and furtherance of the American way of life.

#### PRICE-WAGE FREEZE

SEC. 3. The President shall issue such orders and regulations as are necessary to impose a ceiling on prices, profits, rents, wages, salaries, interest rates, corporate dividends, and similar transfers at levels not in excess of those prevailing during the 30 day period ending on the date of enactment of this Act or on such earlier date as the Coun-

cil on Wage and Price Stability may determine, or in any case where there was no prevailing level during such 30 day period or where the level prevailing during such 30 day period was not generally representative because of abnormal or seasonal market condition or other causes, then at the level prevailing on the nearest date on which, in the judgment of the Council, the level was generally representative.

#### AUTHORITY FOR SUBSEQUENT CONTROLS

SEC. 4. (a) The ceilings imposed pursuant to section 3 shall remain in effect until the earlier of (1) the expiration of 180 days after the date of enactment of this Act, or (2) the date on which the President prescribes orders and regulations to limit increases in wages, salaries, prices, rents, interest rates, corporate dividends, and similar transfers to those which are consistent with the purposes of this Act and orderly economic growth. Such orders and regulations shall contain standards which shall—

(A) be generally fair and equitable;

(B) provide for the making of such exceptions and variations as are necessary to foster orderly economic growth and to prevent gross inequities, hardships, serious market dislocations, domestic shortages of raw materials, localized shortages of labor, and windfall profits;

(C) take into account changes in productivity and the cost of living, as well as such other factors consistent with the purchases of this Act as are appropriate;

(D) provide for the requiring of appropriate reductions in prices and rents whenever warranted after consideration of lower costs and other pertinent factors; and

(E) call for generally comparable sacrifices by business and labor as well as other segments of the economy.

(b) Orders and regulations under this section shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is a member of the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

(c) The authority conferred by this section shall not be exercised to preclude the payment of any increase in wages—

(1) required under the Fair Labor Standards Act of 1938, or effected as a result of enforcement action under such Act;

(2) required in order to comply with wage determinations made by any agency in the executive branch of the Government pursuant to law for work (A) performed under contracts with, or to be performed with financial assistance from, the United States or the District of Columbia, or any agency or instrumentality thereof, or (B) performed by aliens who are immigrants or who have been temporarily admitted to the United States pursuant to the Immigration and Nationality Act; or

(3) paid in conjunction with existing or newly established employee incentive programs which are designed to reflect directly increases in employee productivity.

(d) The President may exempt from any order or regulation under this section rates charged by common carriers and utilities and any other rates, charges, fees, or other transfers which the President determines to be adequately regulated by appropriate Federal, State, or local authorities.

#### GENERAL EXEMPTIONS

SEC. 5. (a) Orders and regulations under sections 3 and 4 shall provide for the making of such adjustments as may be necessary to prevent gross inequities or to avoid undue or severe hardship. There shall be exempted from any such order or regulation—

(1) any pension, profitsharing, or annuity

(2) other items which may be imported



into the United States or its territories or possessions.

(b) For the purposes of this Act the term "wages" and "salaries" do not include contributions by any employer pursuant to a compensation adjustment for—

- (1) any pension, profitsharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954;
- (2) any group insurance plan; or
- (3) any disability and health plan;

unless the President determines that the contributions made by any such employer are inconsistent with the standards set forth in the second sentence of section 4 (a).

#### DELEGATION

SEC. 6. (a) The President shall delegate the performance of any function under this Act to the Council on Wage and Price Stability.

(b) To assist the Director of the Council on Wage and Price Stability in carrying out the provisions of this Act, the President shall appoint—

- (1) a Pay Board which shall consist of 15 members of whom 5 shall be representatives of employers, 5 shall be representatives of employees, and 5 shall be representatives of the public; and
- (2) a Price Administrator.

#### CONFIDENTIALITY OF INFORMATION

SEC. 7. All information reported to or otherwise obtained by any person exercising authority under this Act which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, shall be considered confidential for the purposes of that section, except that such information may be disclosed to other persons empowered to carry out this Act solely for the purpose of carrying out this Act or when relevant in any proceeding under this Act.

#### SUBPENA POWER

SEC. 8. The head of an agency exercising authority under this Act, or his duly authorized agent, shall have authority, for any purpose related to this Act, to sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths. Witnesses summoned under the provisions of this section shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States. In case of refusal to obey a subpoena served upon any person under the provisions of this section, the head of the agency authorizing such subpoena, or his delegate, may request the Attorney General to seek the aid of the district court of the United States for any district in which such person is found to compel such person, after notice, to appear and give testimony, or to appear and produce documents before the agency.

#### ADMINISTRATIVE PROCEDURE

SEC. 9. (a) The functions exercised under this Act are excluded from the operation of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, except as to the requirements of sections 552, 553, and 555(e) of title 5, United States Code.

(b) Any agency authorized by the President to issue rules, regulations, or orders under this Act shall, in regulations prescribed by it, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or seeking an exception or exemption from, such rules, regulations, and orders. If such person is aggrieved by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the agency. The agency shall, in regulations prescribed by it, establish appropriate procedures, including hearings where deemed advisable, for

considering such requests for action under this section.

(c) To the maximum extent possible, the President or his delegate shall conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on a change or a proposed change in wages, salaries, prices, rents, interests rates, or corporate dividends or similar transfers, which have or may have a significantly large impact upon the national economy, and such hearings shall be open to the public except that a private formal hearing may be conducted to receive information considered confidential under section 7 of this Act.

#### SANCTIONS; CRIMINAL FINE AND CIVIL PENALTY

SEC. 10. (a) Whoever willfully violates any order or regulation under this Act shall be fined not more than \$10,000 for each violation.

(b) Whoever violates any order or regulation under this Act shall be subject to a civil penalty of not more than \$5,000 for each violation.

#### INJUNCTIONS AND OTHER RELIEF

SEC. 11. Whenever it appears to any person authorized by the President to exercise authority under this Act that any individual or organization has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any order or regulation under this Act, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any such order or regulation. In addition to such injunctive relief, the court may also order restitution of moneys received in violation of any such order or regulation.

#### DAMAGES OR OTHER RELIEF

SEC. 12. (a) Any person suffering legal wrong because of any act or practice arising out of this Act, or any order or regulation issued pursuant thereto, may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment, writ of injunction, or damages.

(b) In any action brought under subsection (a) against any person renting property or selling goods or services who is found to have overcharged the plaintiff, the court may, in its discretion, award the plaintiff reasonable attorney's fees and costs, plus whichever of the following sums is greater:

(1) an amount not more than three times the amount of the overcharge upon which the action is based, or

(2) not less than \$200 or more than \$2,000; except that in any case where the defendant establishes that the overcharge was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to the avoidance of such error the liability of the defendant shall be limited to the amount of the overcharge. Where the overcharge is not willful within the meaning of section 10(a) of this Act, no action for an overcharge may be brought by or on behalf of any person unless such person has first presented to the seller or renter a bona fide claim for refund of the overcharge and has not received repayment of such overcharge within ninety days from the date of the presentation of such claim.

(c) For the purposes of this section, the term "overcharge" means the amount by which the consideration for the rental of property or the sale of goods or services ex-

ceeds the applicable ceiling under regulations or orders issued under this Act.

#### JUDICIAL REVIEW

SEC. 13. The district courts of the United States shall have exclusive original jurisdiction of cases or controversies arising under this Act, or under regulations or orders issued thereunder, notwithstanding the amount in controversy; except that nothing in this section affects the power of any court of competent jurisdiction to consider, hear, and determine any issue by way of defense (other than a defense based on the constitutionality of this Act or the validity of action taken by any agency under this Act) raised in any proceeding before such court. If in any such proceeding an issue by way of defense is raised based on the constitutionality of this Act or the validity of agency action under this Act, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code. Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this section, and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

#### PERSONNEL

SEC. 14. (a) The Chairman of the Pay Board and the Price Administrator shall be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(b) Any member of a board, commission, or similar entity established pursuant to authority conferred by this Act who serves on less than a full-time basis shall receive compensation from the date of his appointment at a rate equal to the per diem equivalent of the rate prescribed for level IV of the Executive Schedule (5 U.S.C. 5315) when actually engaged in the performance of his duties as such member.

(c) In addition to the number of positions which may be placed in GS-16, 17, and 18, under section 5108 of title 5, United States Code, not to exceed twenty positions may be placed in GS-16, 17, and 18, to carry out the functions under this Act.

(d) The President may require the detail of employees from any executive agency to carry out the purposes of this Act.

(e) The President is authorized to appoint, without regard to the civil service laws, such advisory committees as he deems appropriate for the purpose of consultation with and advice to the President in the performance of his functions under this Act. Members of advisory committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or while otherwise serving at the request of the President may be paid compensation at rates not exceeding those authorized for individuals under section 5332 of title 5, United States Code, and, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) (1) Under such regulations as the President may prescribe, officers and employees of the Government who are appointed, without a break of service of one or more work days, to any position for carrying out functions under this Act are entitled, upon separation from such position, to re-employment in the position occupied at the time of appointment or in a position of comparable grade and salary.

(2) An officer or employee who, at the time of his appointment under paragraph (1) of this subsection, is covered by section 8336(c) of title 5, United States Code, shall continue

to be covered thereunder while carrying out functions under this Act.

#### EXPERTS AND CONSULTANTS

Sec. 15. Experts and consultants may be employed, as authorized by section 3109 of title 5, United States Code, for the performance of functions under this Act, and individuals so employed may be compensated at rates not to exceed the per diem equivalent of the rate for grade 18 of the General Schedule established by section 5332 of title 5, United States Code. Such contracts may be renewed from time to time without limitation. Service of an individual as an expert or consultant under this section shall not be considered as employment or the holding of an office or position bringing such individual within the provisions of section 3323 (a) of title 5, United States Code, section 872 of the Foreign Service Act of 1946, or any other law limiting the reemployment of retired officers or employees.

#### REPORTS

Sec. 16. (a) In transmitting the Economic Report required under section 3(a) of the Employment Act of 1946 (15 U.S.C. 1022), the President shall include a section describing the actions taken under this Act during the preceding year and giving his assessment of the progress attained in achieving the purposes of this Act. The President shall also transmit quarterly reports to the Congress not later than thirty days after the close of each calendar quarter describing the actions taken under this Act during the preceding quarter and giving his assessment of the progress attained in achieving the purposes of this Act.

(b) In carrying out his authority under this Act, the President shall study and evaluate the relationship between excess profits, the stabilization of the economy, and the creation of new jobs. The results of such study shall be incorporated in the reports referred to in subsection (a).

#### FUNDING

Sec. 17. There are authorized to be appropriated to the President, to remain available until expended, such sums as may be necessary to carry out the provisions of this Act.

#### EXPIRATION

Sec. 18. The authority to issue and enforce orders and regulations under this Act expires at midnight September 30, 1982, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to October 1, 1982.

#### SECTION-BY-SECTION ANALYSIS

Section 1 of the bill states that this act may be cited as the "Emergency Price-Wage Control Act of 1980."

Section 2. Statement of Purpose and Intent affirms the Congressional sense that a price-wage control program is necessary.

Section 3. Requires the President to freeze prices, wages, salaries, interest rates and corporate dividends at levels not to exceed those prevailing in the thirty days ending on the date of enactment of this bill or on such earlier date as the Council on Wage and Price Stability may determine.

Section 4. Provides that the President shall replace the freeze with controls and provides standards for the exercise of that authority. Exempts from the controls substandard earnings and other wage increases prescribed by laws such as the Fair Labor Standards Act.

Section 5. Authorizes exemptions from both the freeze (section 3) and the subsequent controls (section 4) necessary to prevent gross inequities or to avoid undue or severe hardship. Exempts raw agricultural commodities and imports. Defines "wages" and "salaries" as not including certain pension and health benefits.

Section 6. Provides for the delegation of the functions to the Council on Wage and Price Stability, and for the appointment of a Pay Board and a Price Administrator.

Section 7. Preserves the confidentiality of certain business information submitted to the Government under this Act.

Section 8. Gives nationwide subpoena power to the agencies exercising authority for any purpose related to the Act.

Section 9. While exempting the agencies from the full operation of the Administrative Procedures Act, certain characteristics of the administrative review procedures of these agencies are specified.

Section 10. Provides for a \$10,000 criminal fine for each violation and a \$5,000 penalty for each violation.

Section 11. Authorizes the Attorney General to bring injunctive actions. He may also seek a court order for restitution of overcharges.

Section 12. Authorizes treble damage suits to be brought by private persons against violators of regulations or orders.

Section 13. Specifies the form of judicial review for cases and controversies arising under the Act. Provides for the expedition of cases arising under the Act.

Section 14. Gives authority for hiring and compensating personnel necessary to perform functions authorized by the Act.

Section 15. Authorizes hiring of experts and consultants needed for the program.

Section 16. Provides that the President's Economic Report shall contain a section describing the actions taken under this Act and an assessment of the progress in achieving its purposes.

Section 17. Authorize the appropriation of funds necessary to carry out the functions authorized.

Section 18. Provides that authority under this Act expires September 30, 1982.

#### By Mr. CRANSTON:

S. 2551. A bill to establish the Big Sur Coast National Scenic Area in the State of California; to the Committee on Energy and Natural Resources.

#### BIG SUR COAST NATIONAL SCENIC AREA ACT

● Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish the Big Sur Coast National Scenic Area in the State of California.

The Big Sur coast is the longest and most scenic stretch of undeveloped coastline in the contiguous 48 States. Each year over 3 million Americans visit Big Sur to make the incredibly beautiful drive along California State Highway 1 overlooking the Pacific Ocean.

Those who know and love Big Sur want to preserve it the way it is today—especially the residents of the immediate area—although, of course, they have a variety of views about how to go about doing so. The State of California and the local county governments have done everything they can to protect the Big Sur coast through local zoning and the local coastal program being developed under the California Coastal Act.

But in spite of these efforts, piecemeal residential and commercial development is occurring which is altering the existing character of the Big Sur coast and degrading its natural beauty. Tourist visitation and associated vehicular traffic are also seriously impacting the fragile coastal ecosystem of Big Sur.

Because the Big Sur coast is truly a national treasure, I strongly believe the Federal Government should take steps

now to protect the scenic beauty of the area. Fortunately, right now we have a unique opportunity to act before there is significant degradation or even a major threat because the State and local governments have done so much already. But if we wait, there efforts will unravel and once again the Federal Government will be asked to deal with a state of emergency and arrest extensive development already underway. And once subdivision of the large ranches on the Big Sur coast has taken place, with a consequent increase in land values, the cost of Federal land acquisition will be substantially more for less land.

Thus in anticipation of the problems, I am proposing that the Federal Government assume its share of responsibility for the future of Big Sur and help protect this nationally significant resource through the establishment of the Big Sur Coast National Scenic Area.

The Nation has a vested interest in preserving the beauty of the Big Sur coast. Perhaps no one has a greater interest than the property owners in the area—and no one appreciates that fact more than they.

My action is intended to protect the property and the private owners by preserving the quality of Big Sur that makes their property so valuable—preserving it for their enjoyment and for the enjoyment of all Americans.

There may be differences as to how this objective might best be attained. The bill I am introducing today is the start of the process. There will be every opportunity for every view to be aired and considered in public hearings. I expect that there will be any number of amendments improving the bill before enactment—and I, for one, would welcome them.

Today I am introducing a bill to establish a Big Sur Coast National Scenic Area administered by the U.S. Forest Service. Included within the scenic area would be all the private lands from Malpaso Creek in Monterey County south to the Hearst Ranch and visitor facilities in San Luis Obispo County, about 410,000 acres of land in the Monterey District of the Los Padres National Forest, the Hunter Liggett Military Reservation, and some State lands.

In all, more than 100 miles of magnificent coastline in Monterey and San Luis Obispo Counties would be protected.

The bill provides that the State and local lands within the scenic area would be acquired only by donation or exchange, and that the military lands would be transferred to the U.S. Forest Service only when the Department of Defense determines it has no further need for the properties.

Regarding the private lands within the scenic area, the bill provides for both fee title acquisition and purchase of scenic easements or other interests.

There will be no use of condemnation except under the very limited circumstances specifically mentioned in the bill and that use would be carefully circumscribed in the following ways:

First. Prior to the adoption of the comprehensive plan for management and development of the scenic area, condemna-



tion could occur only if the Secretary of Agriculture finds that a property has undergone a change in use that is substantially incompatible with the use of the area as a national scenic area; and

Second. After the adoption of the comprehensive plan, condemnation can be used only if there is a new use of the property that is inconsistent with the comprehensive plan, or if the property has been identified in the land acquisition plan and the owner of the property has refused to give the Secretary of Agriculture the right of first refusal when the property is disposed of to anyone other than a direct lineal descendant. In no event can the Secretary of Agriculture use condemnation to acquire more than 5 percent of the total private lands necessary for public access and recreational use.

I believe these stringent limitations on condemnation authority will protect the private property owners in the Big Sur coast, and insure that they will know what kinds of activities are incompatible with the scenic area by reference to the comprehensive plan.

It is the intention of the legislation to perpetuate the existing residential and agrarian character of the Big Sur coast, and the bill provides that any agricultural land acquired by the Secretary of Agriculture may be leased back for grazing and other agricultural purposes, with the first option on leasing to the former owner of the property.

Under the legislation, the Secretary of Agriculture must prepare a comprehensive plan for the management and development of the scenic area within 2 years of the enactment of the bill. The comprehensive plan will include a visitor transportation system plan, a plan for public access and use, resources protection and management, and plans for providing public information and interpretation of the scenic area. As part of the comprehensive plan, the Secretary is directed to develop a land acquisition plan for the scenic area. Public hearings will be held in Monterey County on the comprehensive plan before it is adopted.

The local coastal program developed by Monterey County, San Luis Obispo County, and the State of California will be the minimum standard for development of the private lands within the scenic area.

In order to insure continued local involvement in the management of the Big Sur coast, the bill establishes a 9-member advisory commission for the scenic area. All appointments are to be made by the Secretary of Agriculture with the requirement that at least five members, a majority of the commission, be residents of the Big Sur Coast National Scenic Area.

Finally, the bill authorizes \$100 million which would come from funds in the existing land and water conservation fund for Federal land acquisition, \$10 million in each fiscal year from 1981 through 1990. The authorization is spread out over a 10-year period since it is anticipated that most of the acquisition will take place over time as owners of property identified in the land acquisition plan decide to sell.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2551

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Big Sur Coast National Scenic Area Act".*

SEC. 2. The Congress finds and declares that—

(1) the Big Sur coast is the longest and most scenic stretch of undeveloped coastline in the contiguous 48 States;

(2) the Big Sur coast is a national treasure, and one of the Nation's most heavily visited scenic areas;

(3) California State Highway 1 along the Big Sur coast provides the most beautiful scenic drive in the United States and should remain a rural, scenic two-lane highway;

(4) development, tourist visitation, and associated vehicular traffic are impacting the fragile coastal ecosystem and diminishing the natural beauty and public enjoyment of the Big Sur coast;

(5) the existing character of the Big Sur coast and the indigenous residential and agrarian community should be perpetuated;

(6) because of the growing pressures for residential and commercial development and increasing tourism, State and local efforts to preserve the Big Sur coast are inadequate and require federal action in order to maintain the existing character of the community and to protect the scenic beauty; and

(7) the federal interest in the Big Sur coast is substantial as the United States owns the adjoining national forest lands, including the 170,000-acre Ventana wilderness area, and bears major responsibility for maintaining and improving Highway 1.

SEC. 3. (a) In order to carry out the purposes of this Act, there is established the Big Sur Coast National Scenic Area (hereinafter in this Act referred to as the "scenic area").

(b) The scenic area shall consist of the area within the boundaries generally depicted on the map entitled "Boundary Map, Big Sur Coast National Scenic Area", dated April 1, 1980, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. As soon as practicable following the date of the enactment of this Act, the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") shall file a map and legal description of the Big Sur Coast National Scenic Area with the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives. Such description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made.

(c) The Secretary shall administer the scenic area in accordance with the provisions of this Act and in such manner as will best implement the plan adopted under section 6. Prior to the adoption of the comprehensive plan for the scenic area, those portions of the scenic area consisting of national forest lands shall be administered in accordance with the laws applicable to the national forests in conformance with the purposes of this Act.

SEC. 4. (a) (1) The Secretary may acquire by donation, purchase with donated or appropriated funds, or by exchange any property or interests therein (including, but not limited to, scenic easements), within the scenic area. Property or any interest therein

within the scenic area owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange. Except to the extent specifically provided in subsection (c) of this section, the Secretary shall have no authority to acquire any private property within the scenic area by condemnation.

(2) Whenever the Secretary of Defense determines any lands under his jurisdiction within the area comprising the scenic area are excess to the needs of the Department of Defense, such lands shall be transferred to the Secretary of Agriculture and shall be administered by the Secretary of Agriculture as a part of the scenic area.

(b) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-federal property (or interest therein) located within the scenic area and in exchange for such property or interest may convey to the grantor any federally owned property under the jurisdiction of the Secretary within the State of California which the Secretary classifies as suitable for exchange or disposal. The values of the properties so exchanged shall be equal, or if not equal, shall be equalized by the payment of cash to the grantor or to the United States as the circumstances require. In the exercise of the authority to exchange property, the Secretary may utilize authorities and procedures generally available to him in connection with the exchange of lands.

(c) The Secretary may acquire private property (or interests therein) by condemnation only if—

(1) prior to the adoption of the comprehensive plan, the Secretary determines with respect to the use of such property, that there has been a substantial change in use of such property from that which was in existence on April 1, 1980, and that such change is substantially incompatible with the use of such areas as a scenic area; or

(2) after the adoption of the comprehensive plan and the local coastal program, the Secretary determines there is a new use of such property that it is inconsistent with such comprehensive plan and local coastal program; or

(3) the owner of any such property identified in the land acquisition plan described in section 6(c) of this Act has refused to give the Secretary an agreement or other arrangement to the effect that the Secretary shall have the right of first refusal with respect to the acquisition of such property in the event of its sale or other disposition involving the transfer of title to a person other than a direct lineal descendant; or

(4) The Secretary identifies the property in the land acquisition plan as necessary for public access and recreational use, provided, however, that no more than 5 percent of the private lands within the scenic area as of the date of enactment of this Act shall be so acquired.

SEC. 5. (a) The owner of improved residential property or of agricultural property on the date of its acquisition by the Secretary under this Act may, as a condition of such acquisition, retain for himself and his or her heirs and assigns a right of use and occupancy for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his or her spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partly donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his or her determination that it is being exercised in a manner inconsis-

ent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him or her an amount equal to the fair market value of that portion of the right which remains unexpired. Where appropriate in the discretion of the Secretary, he or she may lease federally owned land (or any interest therein) which has been acquired by the Secretary under this Act, including lands acquired under section 4(c) (1), (2), or (3) and which was agricultural land prior to its acquisition. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of this Act. Any land to be leased by the Secretary under this section shall be offered first for such lease to the person who owned such land or who was a leaseholder thereon immediately before its acquisition by the United States.

(b) The term "improved property", as used in subsection (a) of this section, means a detached, noncommercial residential dwelling, the construction of which was begun before April 1, 1980, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The term "agricultural property" as used in subsection (a) means lands which are in regular use for agricultural, ranching, or dairying purposes as of April 1, 1980, together with residential and other structures related to the above uses of the property as such structures existed on said date.

SEC. 6. (a) On or before the expiration of the twenty-four month period following the date of the enactment of this Act, the Secretary shall submit to the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives a comprehensive plan for the protection and management of the scenic area. Such plan shall be prepared by the Secretary in consultation with the advisory commission established pursuant to section 7. Such plan shall include a land acquisition plan described in section 6(c) and shall also include, among other matters, a visitor transportation system plan, a plan for public access and use, resources protection and management, and plans for providing public information and interpretation of such scenic area.

(b) The local coastal program developed by Monterey County, San Luis Obispo County, and the State of California shall be the minimum standard for use and development of private lands within the scenic area. Whenever there is a conflict between the local coastal program and the comprehensive plan for the scenic area, the comprehensive plan shall be governing.

(c) The Secretary shall prepare a land acquisition plan which shall identify lands and interests therein within the scenic area which should be acquired and held in public ownership for the following critical purposes: preservation of the scenic view from Highway 1; access to the beaches and coastal uplands; protection of the watershed; public health and safety; interpretation of the natural and cultural heritage of the coast; development of minimal visitor serving facilities; and implementation of the comprehensive plan.

(d) In addition to the requirements of subsection (a) of this section, the Secretary, in connection with the preparation of the comprehensive plan, shall hold public hearings in Monterey County, California for the purpose of receiving the comments and recommendations of interested persons.

SEC. 7. (a) There is established the Big Sur Coast National Scenic Area Advisory Commission (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of 9 members appointed by the Secretary, at least 5 of whom shall be residents of the Big Sur Coast National Scenic Area, and one of whom shall be designated by the Secretary as chairman.

(c) Members of the Commission shall serve for terms of three years. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation as such, but the chairman may pay the expenses reasonably incurred by the Commission and its members in carrying out their duties under this Act.

(e) The Secretary, or his designee, shall from time to time, but at least annually, meet and consult with the Commission on general policies and specific matters relating to planning, administration and development affecting the scenic area.

(f) The Commission shall act and advise by affirmative vote of a majority of the members thereof.

SEC. 8. Within three years from the date of the enactment of this Act, the Secretary shall review the area within the scenic area and shall report to the President, in accordance with subsections 3 (c) and (d) of the Wilderness Act (78 Stat. 890), his recommendations as to the suitability or non-suitability of any area within the scenic area for designation as wilderness. Any designation of any such areas as wilderness shall be accomplished in accordance with such subsections.

SEC. 9. Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the scenic area.

SEC. 10. The Secretary of Agriculture shall establish a program for the purpose of making payments on a fiscal year basis to each unit of local government in which private lands acquired by the Secretary for purposes of the scenic area are located. Such payments shall be made in such manner and to such extent as in the case of payments under the Act entitled "An Act to provide for certain payments to be made to local governments by the Secretary of Interior based upon the amount of certain public lands within the boundaries of such locality", approved October 20, 1976, except that the provisions of subsection (d) of section 3 of such Act shall not be applicable.

SEC. 11. (a) For the purpose of enabling the Secretary to carry out the development of the scenic area, there is authorized to be appropriated such sum, not to exceed \$500,000, as may be necessary.

(b) For the purpose of land acquisition, including interests therein, under this Act, there is authorized to be appropriated from the Land and Water Conservation Fund, \$10,000,000 in fiscal year 1981 and each succeeding fiscal year through 1990. For the authorizations made in this subsection, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.●

#### ADDITIONAL COSPONSORS

S. 1465

At the request of Mr. TALMADGE, the Senator from Idaho (Mr. McCLURE), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 1465, a bill to amend the Farm Credit Act of 1971 to permit Farm Credit System institutions to improve their services to borrowers, and for other purposes.

S. 1758

At the request of Mr. LEVIN, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1758, a bill to amend title 39, United States Code, to restore to Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 2249

At the request of Mr. TALMADGE, the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2249, a bill to increase the minimum level of price support on quota peanuts for the 1980 and 1981 crops.

S. 2415

At the request of Mr. PACKWOOD, the Senator from Georgia (Mr. TALMADGE) was added as a cosponsor of S. 2415, a bill to amend the Internal Revenue Code of 1954 to provide for the application of the investment tax credit to property purchased by a person who is engaged in the trade or business of furniture rental or leasing to others.

S. 2424

At the request of Mr. HATFIELD, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 2424, a bill to amend the Mineral Lands Leasing Act to require competitive bidding in oil and gas lands set apart for military or naval purposes, and to expand leasing by competitive bid 2½ miles outside known geological structures of a producing oil or gas field.

S. 2435

At the request of Mr. CHILES, the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. ROTH), the Senator from Indiana (Mr. BAYH), the Senator from Wisconsin (Mr. NELSON), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 2435, a bill to rescind certain appropriations provided for the purchase of furniture by Federal departments, and for other purposes.

#### SENATE JOINT RESOLUTION 156

At the request of Mr. BURDICK, the Senator from Tennessee (Mr. BAKER), the Senator from Kentucky (Mr. FORD), the Senator from North Dakota (Mr. YOUNG), and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of Senate Joint Resolution 156, a joint resolution to authorize the President to issue annually a proclamation designating that week in November which includes Thanksgiving Day as "National Family Week."

#### SENATE RESOLUTION 392

At the request of Mr. MAGNUSON, the Senator from Oklahoma (Mr. BOREN), and the Senator from New Hampshire (Mr. DURKIN) were added as cosponsors of Senate Resolution 392, a resolution expressing the sense of the Senate that the Board of Governors of the Federal Reserve System should immediately take steps to reduce interest rates.

#### AMENDMENT NO. 1689

At the request of Mr. JACKSON, the Senator from Arkansas (Mr. BUMPERS)



was added as a cosponsor of amendment No. 1689 intended to be proposed to S. 2392, a bill to repeal the Federal requirement of incremental pricing under the Natural Gas Policy Act of 1978.

**SENATE RESOLUTION 402—SUBMISSION OF A RESOLUTION TO AMEND THE STANDING RULES OF THE SENATE**

Mr. HEFLIN submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. RES. 402

*Resolved*, That (a) paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended by redesignating subparagraph (c) as subparagraph (d) and by adding after subparagraph (b) the following new subparagraph:

"(c) Each such report (except those by the Committee on Appropriations) shall also contain—

"(1) an economic evaluation, made by the committee, of the bill or joint resolution specifying the extent (if any) to which the carrying out of the bill or joint resolution will affect inflation or deflation in the national economy; or

"(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable."

(b) Subparagraph (d) of paragraph 11 of such Rule XXVI (as redesignated by subsection (a) of this resolution) is amended by striking out "subparagraphs (a) and (b)" and inserting in lieu thereof "subparagraphs (a), (b), and (c)".

**INFLATIONARY IMPACT ACT**

Mr. HEFLIN. Mr. President, today I am submitting a resolution which I believe will provide the necessary impetus to force Congress to effectively deal with this Nation's very serious economic problems.

It is becoming increasingly clear—as both interest rates and inflation loom ominously at 20 percent—that Congress must act—and act now—to slow the inflation rate and restore fiscal responsibility to our economy.

I am afraid that a failure to effectively deal with our current economic problems could touch off a round of economic chaos in this country that could leave each of us in this Chamber helpless as this great Nation teeters on the brink of economic depression.

I have long advocated the restoration of fiscal responsibility to our Nation's economy. I fought long and hard, alongside other of my colleagues, for the passage of a constitutional amendment designed to prohibit Congress from spending more money in any given year than it takes in. I am still convinced that this simple, sound economic principle, enforced by constitutional edict, would be the most effective way to force Congress to live within its means.

I noted with great interest during the recent Senate Judiciary Committee battle over this amendment that not one of those Senators opposing the amendment objected to the concept of a balanced

budget—but only to a constitutional mandate that the budget be balanced. At that time I voiced my doubts that this Congress resolve was strong enough to balance the budget without the constitutional mandate. I based these doubts on the dismal record this Congress has in balancing the budget by the statutory process.

Mr. President, while I still have my doubts, today I am introducing a bill which I believe will provide the necessary impetus to force Congress to solve our economic problems through the statutory process.

This bill, to be called the "Inflationary Impact Act," would require that an economic evaluation be made and accompany each bill acted upon by the U.S. Senate.

This inflationary impact statement would determine to what extent any proposed legislation would affect inflation in our national economy.

This economic evaluation, to be made by the committee reporting out the bill in question, would give Senators a clear indication of what impact the proposed measure would have on the economy. If a bill would cause inflation to be increased, this information would be clearly stated in the report. If the measure would tend to reduce inflation, that too would be known. Then each Member could vote according to his or her own conscience.

I do not have to remind any of you in this Chamber that balancing the budget will not be an easy task. Many good and worthwhile programs will be cut—and some will be eliminated altogether. Yet, however difficult the task, we must stand firm in our resolve to balance the 1981 Federal budget and to solve our economic problems.

Many painful and difficult choices await us in the coming months as we begin the agonizing process of deciding which programs and projects will be cut. I believe an inflationary impact statement would serve as a useful and essential guide to those Senators making difficult decisions in regard to budget cuts. This type of economic evaluation would provide the Senators the insight, which is now lacking, into the short-term and long-term economic impact of their votes.

I, for one, would give great credence to the results of such an economic evaluation—and I believe other of my colleagues who are truly interested in spending discipline would do the same.

The idea of impact statements is not new. As each of you knows, the Government now requires that businesses file an environmental impact statement with the Environmental Protection Agency to determine what impact new business construction or expansion will have on the Nation's environment.

I believe Congress has little excuse for not practicing the same type of discipline that it requires of private industry.

Congress must take the lead if we are going to wage a successful war against

inflation—and to fight this war, I believe it is absolutely imperative that we weigh very carefully the impact our actions will have on the American economy.

However, before we can use this type of economic evaluation as a helpful and essential guide, we must put into place the means by which this kind of evaluation can be made.

Mr. President, my resolution provides this means. Due to the gravity of our current economic problems, I respectfully request that my resolution be considered and acted upon by the Senate as expeditiously as possible.

**SENATE RESOLUTION 403—SUBMISSION OF A RESOLUTION WITH RESPECT TO SENATORIAL PAY RAISES**

Mr. BAUCUS submitted the following resolution, which was referred to the Committee on Governmental Affairs:

S. RES. 403

*Resolved*, That it is the sense of the Senate that, notwithstanding any other provision of law, the annual rate of pay of each Senator, the President pro tempore of the Senate, and the majority and minority leaders of the Senate which is actually being paid as of the date of passage of this resolution shall not be increased during a one-year period beginning on the date of passage of this resolution.

**SENATORIAL PAY RAISES**

● Mr. BAUCUS. Mr. President, I am introducing a resolution calling for a 1-year freeze on congressional pay raises.

The American people are demanding fiscal responsibility by the Federal Government. Congress must respond to that demand by cutting spending to balance the budget, by enacting procedural reforms that will insure balanced budgets in future years, and by establishing policies that encourage American productivity.

With inflation rates approaching 20 percent, with interest rates approaching 20 percent, there is a wide public perception that the Federal economy is out of control. Congress must show that it is prepared to regain control of the economy through strong and positive action.

Stopping inflation will require sacrifices by everyone, including Members of Congress. We must send the American public a message that we are prepared not only to do our part in controlling inflation, but we intend to take the lead in fashioning solutions to the Nation's economic problems.

For that reason, I urge my colleagues to join me in placing a 1-year moratorium on congressional pay raises. Members of Congress can let the American people know that we, too, are willing to sacrifice in order to get our economy back on the right course.

For us to ask Americans to make all the sacrifices is nothing less than the worst kind of arrogance. By adopting this resolution we can make our intentions clear.●

# SENATE RESOLUTION 404—SUBMISSION OF A RESOLUTION RELATING TO A STUDY OF HUMAN EXPOSURE TO NITRITES

Mr. TALMADGE (for himself, Mr. BOREN, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. CULVER, Mr. DOLE, Mr. HELMS, Mr. HUDBLESTON, Mrs. KASSEBAUM, Mr. LUGAR, Mr. MCGOVERN, Mr. NUNN, Mr. PRYOR, Mr. STEWART, Mr. YOUNG, and Mr. ZORINSKY) submitted the following resolution, which was referred to the Committee on Labor and Human Resources:

## S. RES. 404

Whereas the meat industry is an integral and significant part of American agriculture and is important to the American economy;

Whereas the production of bacon and certain processed meat and poultry products is vital to agricultural producers and the meat industry;

Whereas the use of nitrites is imperative in the production of bacon and certain processed meat and poultry products to prevent botulism;

Whereas the use of nitrites is important in imparting the characteristic flavor and color of bacon and certain processed meat and poultry products;

Whereas the May 18, 1978, study "Dietary Nitrite in the Rat" conducted by Dr. Paul M. Newberne of the Massachusetts Institute of Technology questioning the safety of nitrites, has created market uncertainties for certain meat and poultry producers, and has contributed to consumer doubts and confusion about the safety of certain meat and poultry products;

Whereas the United States Department of Agriculture and the Food and Drug Administration are using the Newberne study to question the safety of nitrite use, which could result in a ban on the use of nitrites;

Whereas a ban on the use of nitrites could have serious repercussions on American agricultural producers and the American meat industry;

Whereas the General Accounting Office, in its January 31, 1980, report "Does Nitrite Cause Cancer? Concerns About Validity of FDA-Sponsored Study Delay Answer" points out criticisms of the research design and possibly incorrect pathological diagnosis in the Newberne study; and

Whereas an increasing number of members of the scientific community believes that rigid and inflexible approaches to food safety are not defensible scientifically, economically, and socially: Now, therefore be it

**Resolved**, That the National Academy of Sciences is requested to conduct a comprehensive review of all pertinent scientific information relating to the risks and benefits associated with human exposure to nitrites. The review should include, among other things, the Newberne study and all other animal feeding studies (including those in progress), and nitrosamine occurrence in foods and beverages.

Sec. 2. The National Academy of Sciences is requested to submit the results of the review, together with any recommendations that the Academy may wish to make, to Congress by July 1, 1981.

Sec. 3. The Secretary of the Senate shall transmit a copy of this resolution to the President of the National Academy of Sciences.

• Mr. TALMADGE. Mr. President, to reduce the economic uncertainties being faced by the Nation's pork producers, I am today submitting a resolution under which the National Academy of Sciences would make a comprehensive review of all scientific information relating to the risks and benefits of using nitrites.

All of our agricultural producers each day face a multitude of risks. Diseases, weather, insects, surpluses, and shifting consumer preferences are among the problems they face. Over the past decade, however, no group of farmers has endured more continuing problems than the Nation's pork producers.

The press their product has received resulted in declining demand. Only after a long period of hard work were the producers able to begin to moderate the slide and then turn around pork consumption.

Ten years ago the price of hogs slipped to 10 cents a pound. This drove thousands of producers out of business. Those who managed to stay in business were later hit with the effects of the Russian grain purchase and the short crops of 1974 that pushed feed prices to record levels.

Our swine producers have been hit with a new disease problem—pseudorabies—that takes a devastating toll. Producers are also haunted by the spectre of African swine fever now in the Caribbean and South America.

However, the economic and natural problems that pork producers face are minor in comparison to the problems caused by Government regulations. A few years ago, the Food and Drug Administration began an examination of the use of various animal drugs, many of which are vital to hog production. This has added uncertainty. The Food and Drug Administration and the Department of Agriculture have increased their monitoring activities for drug residues even though there is widespread scientific opinion that some of FDA's analytical techniques are not reliable. This not only causes uncertainty, but it has resulted in several major economic losses.

The most serious threat to hog producers, however, comes from the two pronged attack of the Department of Agriculture and FDA against nitrites, a product that has been used in the preserving and processing of meats for thousands of years.

Much of our pork is processed and preserved using nitrites. They are critical in the production of bacon and the prevention of botulism. Over the past 2 years there has been a concerted attack on the use of nitrites. Much of this results from the emotion-laden opposition against all food additives regardless of their function or of their importance to public health.

One study suggested a possible link between nitrites and cancer. I would note that the principal researcher, Dr. Newberne at the Massachusetts Institute of Technology, carefully qualified his findings as to their implications for policy. We have had continued debate about nitrites but again without evidence of fact. In hearings that were held by one of our subcommittees, the following exchange occurred between Senator LEAHY, the subcommittee chairman, and two witnesses, who are scientists:

Senator LEAHY. Do we run a greater risk from the addition of nitrites to food than from what occurs naturally, generally in the United States, in vegetables and other substances?

Dr. LIJINSKY. Yes.

Dr. WEISBURGER. There I would say categorically, "No."

It is evident that there is no scientific consensus on this issue. At this time, the Newberne study is being reviewed by a panel of scientific experts. I think their findings have already been documented in a GAO review as well as preliminary reports from the scientists on the review panel. In essence, they are suggesting that there are inadequacies in the study design and with the conclusions. Yet our pork industry continues to endure uncertainty because of the doubts raised.

Mr. President, it is imperative that we establish once and for all the benefits and risks of nitrites. The use of nitrites as a preservative and processing agent is important to consumers as well as to pork producers. The role of Government should not be one that creates uncertainty and confusion. We should move to find answers to the questions that have been raised. This is precisely what my resolution is designed to do. The resolution calls for a comprehensive review by the National Academy of Sciences of all pertinent scientific information relating to the risks and benefits associated with human exposure to nitrites.

I am pleased that 15 of my colleagues are cosponsors of the resolution. I urge the Senate to agree to the resolution without delay. •

## AMENDMENTS SUBMITTED FOR PRINTING

### FEDERAL RADIATION PROTECTION COUNCIL—S. 1938

AMENDMENT NO. 1692

(Ordered to be printed and referred to the Committee on Governmental Affairs.)

Mr. JAVITS submitted an amendment intended to be proposed by him to S. 1938, a bill to insure adequate protection of workers, the general public, and the environment from harmful radiation exposure, to establish mechanisms for effective coordination among the various Federal agencies involved in radiation protection activities, to develop a coordinated radiation research program, and for other purposes.

(See the remarks of Mr. JAVITS when he introduced S. 2539 earlier in today's proceedings.)

## NOTICES OF HEARINGS

### SUBCOMMITTEE ON ENERGY REGULATION

• Mr. JOHNSTON. Mr. President, on April 15, 1980, the Subcommittee on Energy Regulation of the Committee on Energy and Natural Resources will receive testimony on the proposed authorization for the Federal Energy Regulatory Commission, the Office of Hearings and Appeals, and the regulatory programs under the supervision of the Assistant Secretary for Conservation and Solar Applications. This hearing will begin at 9:30 a.m. in room 6226 of the Dirksen Senate Office Building. The appearance of the Assistant Secretary for Conservation and Solar Applications has been



rescheduled to April 15 from the originally announced date of April 28.●

#### SUBCOMMITTEE ON NUTRITION

● Mr. McGOVERN. Mr. President, I wish to announce that the Agriculture Subcommittee on Nutrition has scheduled hearings to review the child nutrition programs administered by the U.S. Department of Agriculture. Testimony should be directed to legislative changes in the 1980 child nutrition programs, but the subcommittee does not intend to deal with the issue of commodity vouchers at these hearings.

The hearings will be held on April 15 and 17 beginning at 9:30 a.m. on both days in room 324, Russell Building. Anyone wishing to testify should contact Barbara Washburn of the Agriculture Committee staff at 224-6901.●

#### COMMITTEE ON VETERANS' AFFAIRS

● Mr. CRANSTON. Mr. President, I would like to announce, for the information of the Senate and the public, the hearing schedule of the Committee on Veterans' Affairs, which I am privileged to chair, for the month of April.

On Tuesday, April 8, beginning at 1 p.m., in room 412 of the Russell Senate Office Building, the committee will be conducting a staff inquiry, open to the public, concerning the replacement medical facilities proposed by the Veterans' Administration for the Minneapolis VA Medical Center. Participants will include representatives of the Veterans' Administration, the University of Minnesota Medical School, veterans service organizations, and community groups concerned about health care and planning in the area served by the VA medical center.

Questions regarding this inquiry should be directed to Janice Orr, professional staff member on the committee, at (202) 224-9126.

On Wednesday, April 16, beginning at 9 a.m., in room 412 of the Russell Senate Office Building, the committee will conduct a public hearing on S. 2534, a bill I introduced to amend title 38, United States Code, to promote the recruitment and retention of physicians, dentists, nurses, and other health-care personnel in the Veterans' Administration's Department of Medicine and Surgery, and issues relating to the recruitment and retention of qualified health-care professionals to staff VA health-care facilities, including special pay authority for VA physicians and dentists and appropriate methods of improving the conditions relating to hiring, compensating, promoting, and similar activities in connection with nursing personnel and other health workers within the VA's Department of Medicine and Surgery.

Persons interested in testifying at this hearing should contact Bill Brew, associate counsel on the committee staff, at (202) 224-9126.

On Wednesday, April 23, beginning at 9:30 a.m., in room 412 of the Russell Senate Office Building, the committee will hold an oversight hearing on Veterans' Administration programs and policies relating to purchasing, implantation, and monitoring of cardiac pacemakers.

I have asked the Senator from Florida (Mr. STONE) to chair this hearing.

Persons interested in testifying at this hearing should contact Bill Brew, associate counsel on the committee staff, at (202) 224-9126.●

#### SUBCOMMITTEE ON CIVIL SERVICE GENERAL SERVICES

● Mr. PRYOR. Mr. President, I wish to announce that on April 16, in room 3302, Dirksen Senate Office Building, at 9:30 a.m., the Subcommittee on Civil Service and General Services will continue oversight hearings on the civil service retirement system and consider issues and legislation affecting the system, including S. 2449, a bill to improve the operation of the disability retirement program, and S. 2450, a bill to reduce cost-of-living increases for annuitants by increases attributable to months prior to the month in which the commencing date of an annuity occurs.●

#### SELECT COMMITTEE ON INDIAN AFFAIRS

● Mr. MELCHER. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Select Committee on Indian Affairs.

The hearing is scheduled for April 17, 1980, beginning at 10 a.m. in room 357 of the Russell Senate Office Building. Testimony is invited regarding H.R. 2102, an act pertaining to the inheritance of trust or restricted land on the Standing Rock Sioux Reservation, North Dakota and South Dakota.

For further information regarding the hearing you may wish to contact Peter Taylor of the committee staff on extension 224-2251. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Select Committee on Indian Affairs, U.S. Senate, Washington, D.C. 20510.●

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JACKSON. Mr. President, the hearing which the Committee on Energy and Natural Resources had scheduled for 10 a.m., Friday, April 18, on the recent study of the National Academy of Sciences, entitled "Energy in Transition: 1985-2010," is being rescheduled for 2 p.m. on the same day, Friday, April 18, 1980 in room 3110 of the Dirksen Senate Office Building. Questions about this hearing should be directed to Benjamin S. Cooper or James T. Bruce of the committee staff at 224-9894.●

#### SELECT COMMITTEE ON INDIAN AFFAIRS

● Mr. MELCHER. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Select Committee on Indian Affairs.

The hearing is scheduled for April 21 and 22, 1980, beginning at 10 a.m., in room 1202 of the Dirksen Senate Office Building on April 21, and in room 5110 of the Dirksen Senate Office Building on April 22. Testimony is invited regarding proposed legislation to reauthorize the Indian Health Care Improvement Act.

For further information regarding the hearing you may wish to contact Jo Jo Hunt of the committee staff on extension 224-2251. Those wishing to testify

or who wish to submit a written statement for the hearing record should write to the Select Committee on Indian Affairs, U.S. Senate, Washington, D.C. 20510.●

#### SELECT COMMITTEE ON SMALL BUSINESS

● Mr. NELSON. Mr. President, the Select Committee on Small Business will hold a hearing on the Department of Energy's small business research and development program on April 30, 1980, in room 424 of the Russell Senate Office Building.

The hearing will begin at 9:30 a.m. Interested persons should contact the committee staff at 224-5175.●

#### ADDITIONAL STATEMENTS

##### VIEWS OF DISABLED AMERICAN VETERANS ON INCARCERATED VETERANS

● Mr. CRANSTON. Mr. President, on July 11 of last year, the Committee on Veterans' Affairs held an oversight hearing on issues related to incarcerated veterans. Among the witnesses who provided statements for that hearing was Mr. Stephen L. Edmiston, Administrative Assistant, Disabled American Veterans. By inadvertence, which I sincerely regret, the DAV statement was not included in the printed record of that hearing.

Mr. President, in order to remedy that error, the DAV statement will be printed as an appendix to that organization's testimony before the committee at an oversight hearing on the Veterans' Administration readjustment counseling program for Vietnam-era veterans, which is scheduled for May 21. In addition, I ask that the DAV statement be printed in the RECORD, so that all Senators and members of the public may have the benefit of the DAV's views on issues related to incarcerated veterans at this time as well as when the May 21 hearing record is published.

The statement follows:

##### STATEMENT OF STEPHEN L. EDMISTON

Mr. Chairman and members of the committee: The DAV appreciates this opportunity to present our views on the Veterans Administration's Outreach Services Program for incarcerated veterans.

Mr. Chairman, the DAV commends you and the members of the Committee for holding these hearings. Clearly, this reflects the sincere interest and concern of the Committee in the VA's efforts to assist incarcerated veterans in obtaining benefits to which they may be entitled.

##### VETERANS OUTREACH SERVICES PROGRAM

The Congress has declared that the Outreach Services Program authorized by Subchapter IV of Chapter 3, Title 38, U.S. Code is for the purpose of ensuring that all veterans are provided timely and appropriate assistance to aid and encourage them in applying for and obtaining benefits and services in order that they may achieve a rapid social and economic readjustment to civilian life and obtain a higher standard of living for themselves and their dependents. The Congress has charged the Veterans Administration with the affirmative duty and responsibility of seeking out veterans and their dependents who may be eligible for benefits and providing them with the services necessary to apply and obtain such benefits.

Mr. Chairman, as the result of a report released by the Comptroller General in December 1974 (Need for Improved Outreach Efforts for Veterans in Prison or on Parole) the Veterans' Administration issued regulations which directed the Regional Offices to schedule semi-annual visits to all federal and state prisons for the purpose of conducting group briefings and individual counseling for veteran inmates. Additionally, the Regional Offices were directed to also conduct periodic briefings for appropriate officials of penal institutions for the purpose of providing assistance concerning veterans' benefits. However, this regulation specified that visits would only be scheduled where prison authorities felt that such services were desirable and necessary.

In December of 1978 the Administrator of Veterans' Affairs reported that Department of Veterans' Benefits personnel had conducted nearly 63,000 individual counseling sessions for incarcerated veterans since 1975.

Certainly, statistics reveal an improved outreach effort by the Veterans' Administration, at least compared to the statistics reported by the Comptroller General in 1974.

However, Mr. Chairman, we are concerned that the VA's effort is not evenly applied nationwide. Earlier this year *Correction's Magazine* reported that they had conducted a small survey of institutions in New England. *Correction's Magazine* reported that the assessments provided by the corrections administrators from these institutions "ranged from 'outstanding cooperation' to an adamant 'we never seem them.'"

Additionally, a recent survey conducted by the DAV of a number of selected National Service Offices around the country revealed similar findings.

Of course, Mr. Chairman, we do not believe the Veterans' Administration is totally at fault for these findings. We believe the authorities of many correctional institutions and in some cases the state governments and their legislatures are also to blame for this uneven activity in the VA's outreach program for incarcerated veterans.

As an example, on June 6, 1979 the governor of the state of Florida approved House bill No. 1595. This law, which became effective July 1, 1979, relates to the veterans' benefits received by inmates in Florida's correctional institutions—directs the Department of Education, the State Board of Education and the Board of Regents to require that area vocational-technical centers, institutions within the community college system, and institutions within the state university system withdraw all requests for course approval from the Veterans' Administration for education programs offered in correctional facilities which are provided through state funding at no cost to the inmates.

Similar legislation to restrict the payment of VA educational benefits has also been introduced in the House of Representatives as a result of complaints from prison officials who believe that these excess funds paid to inmates cause problems with respect to narcotics and thefts.

Quite frankly, Mr. Chairman, we find these types of proposals inappropriate, however, we are most supportive of the provisions of S. 870, an Administration proposal, to provide special limitations on the payment of education benefits to incarcerated veterans. We believe that this type of an approach—to a situation that prison authorities apparently cannot correct or control—will serve to aid these veterans in returning to the mainstream of society and greatly reduce the high rate of recidivism.

However, Mr. Chairman, we would suggest that the Veterans Administration could improve their present outreach efforts if they scheduled more frequent and regular visits

to institutions by one specific individual. It is our belief that the VA must establish and gain the trust of inmates and prison officials by providing consistent service with appropriate follow-up contact to insure the ultimate success of this program.

Of course, Mr. Chairman, it is no secret that the Department of Veterans Benefits has been seriously affected by the budgetary restrictions of the past few years. Therefore, Mr. Chairman, we strongly urge the Committee to consider the staffing levels within the Department of Veterans Benefits to insure that the VA has sufficient personnel to do the job right.

In conclusion, Mr. Chairman, notwithstanding the fact that these individuals are being punished for unlawful acts against society, we must not forget that many of these individuals served honorably in the defense of our great Nation and have earned the right to certain VA benefits. And of special concern to the Disabled American Veterans are the needs of those incarcerated veterans who suffer from service-connected disabilities. Therefore, it is our belief that greater emphasis should be directed to the positive utilization of VA benefits in an effort to assist this unique group of veterans, particularly the service-connected disabled veteran, rather than further alienate and restrict them.

That completes my statement Mr. Chairman. I wish to again thank you and the members of the Committee for holding these hearings and allowing the Disabled American Veterans to express its views on the VA's outreach efforts to assist incarcerated veterans.

[Chapter 79-182]

HOUSE BILL NO. 1595

An act relating to veterans' benefits received by inmates of correctional institutions; creating s. 230.655, Florida Statutes; amending s. 230.761(2)(b), Florida Statutes, 1978 Supplement; adding s. 240.052 (4)(c), Florida Statutes, 1978 Supplement; directing the Department of Education, the State Board of Education and the Board of Regents to require that area vocational-technical centers, institutions within the community college system, and institutions within the State University System withdraw all requests for course approval from the Veterans' Administration for education programs offered in correctional facilities which are provided through state funding at no cost to the inmate; providing an effective date

Be it enacted by the legislature of the State of Florida:

SECTION 1. Section 230.655, Florida Statutes, is created to read: 230.655 Education programs in correctional facilities.—The Department of Education shall require that each vocational-technical center withdraw all requests for course approval from the Veterans' Administration for education programs offered in correctional facilities which are provided through state funding at no cost to the inmate.

SEC. 2. Paragraph (b) of subsection (2) of section 230.761, Florida Statutes, 1978 Supplement, is amended to read: 230.761 Financial support of community colleges.—

(2) STUDENT FEES.—

(b) The state board shall adopt rules permitting the deferral of registration and tuition fees for those students receiving financial aid from federal or state assistance programs, when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. Failure to make timely application for such aid shall be insufficient reason to receive such deferral.

1. Veterans and other eligible students re-

ceiving benefits under chapter 32, chapter 34, or chapter 35, 38 U.S.C., shall be entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of their benefits.

2. In adopting such rules, the state board is required to enforce the collection of or otherwise settle delinquent accounts.

3. The state board shall require that each institution within the community college system withdraw all requests for course approval from the Veterans' Administration for education programs offered in correctional facilities which are provided through state funding at no cost to the inmate.

SEC. 3. Paragraph (c) is added to subsection (4) of section 240.052, Florida Statutes, 1978 Supplement, to read: 240.052 Admission of students; fees.—

(4) The Board of Regents shall adopt rules permitting the deferral of registration and tuition fees for those students receiving financial aid from federal or state assistance programs, when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student.●

#### HOUSE JOINT RESOLUTION 514 ESTABLISHES A HARMFUL PRECEDENT

● Mr. STAFFORD. Mr. President, Senator HATFIELD and I would like jointly to indicate our reservations concerning House Joint Resolution 514, which both Houses of Congress accepted a few days ago. As everyone will recall, the Federal Trade Commission has faced serious and immediate financial problems since March 15 when its authority to expend funds expired. This was an urgent situation. It required a quick solution, and the Congress demonstrated its ingenuity and flexibility by finding one.

We would like to draw attention, however, to the consequences of the solution selected, which was to expropriate \$12.1 million in so-called unobligated balances in fiscal year 1980 funds from the International Communication Agency.

At this moment, U.S. relations with other countries are seriously strained in several areas of the world. Especially at this time, we need improved capabilities for communicating with other parts of the world and promoting mutual understanding. It is not helpful to withdraw these \$12 million from the budget of the agency which supports the Voice of America and the already greatly diminished Fulbright exchange program. It is also incorrect to term such funds as "unobligated balances" since it is not possible to determine at mid-year what levels of funding may not be committed by year's end. Indeed, it would be administratively prudent to reserve some budgetary flexibility in the fast-moving foreign affairs field. We are disturbed that the ICA may have been selected for the expropriation in part because of a perception that its contributions to the Nation's welfare are somehow less essential than are those of other programs.

We concur with the U.S. Advisory Commission on Public Diplomacy and with members of the higher education community that House Joint Resolution 514 establishes a harmful precedent. A statement recently issued by the board



of directors of the American Council on Education well establishes the value of the ICA programs, while Advisory Commission Chairman Olin Robison's statement of objection to House Joint Resolution 514 raises questions which remain challenging. Mr. President, I shall submit these two statements for the RECORD at the conclusion of these remarks.

Senator HATFIELD and I jointly urge, within the spirit of the economizing that must occur throughout our Government, that at least half of the \$12 million be restored to the International Communication Agency budget prior to September 30, 1980. We also urge that House Joint Resolution 514 not establish precedent for additional ICA budget raids in fiscal year 1981. We believe that in the increasingly interdependent world of the 1980's, the important programs of the International Communication Agency should be free from capricious budgetary action.

#### The statements follow:

##### STATEMENT BY THE BOARD OF DIRECTORS OF THE AMERICAN COUNCIL ON EDUCATION

Scholarly exchanges with other nations have served this country well for over a generation. They have increased our understanding of other peoples, and they of us. They have established lasting channels through which the world's intellectual resources can be tapped in the search for solutions to man's common problems. They have tempered the parochialism of national outlook which characterized this nation prior to World War II. Cross-cultural scholarly collaboration has proved to be sound public as well as sound educational policy.

Of all the international communications media at our disposal, scholarly exchange ranks among the highest in its long-range, permeative effect. In times of peculiar international tension, however, its benefits can recede in the national consciousness, and its public policy support can be eroded by the seemingly more urgent claims of other international communications media.

The current pressure of events, particularly in the Middle East, clearly reflects such international tension. The Board of Directors of the American Council on Education, broadly representative of the higher education community, urges that public policy support of scholarly exchanges should be strengthened despite present tensions. Indeed, this Board believes that both the Government of the United States and the academic community should strengthen their joint commitments to international intellectual communication and collaboration through this critical and lasting means.

##### U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Washington, D.C., March 24, 1980.

To the Members of Senate Committee on Appropriations, House Committee on Appropriations.

We have indeed reached a sorry state of affairs when the Congress of the United States proposes to take over \$12 million from academic exchanges and the Voice of America to finance the day-to-day operations of the Federal Trade Commission. We of the Advisory Commission on Public Diplomacy are appalled at the extraordinary implications of Joint Resolution H.J. Res. 514.

It is outrageous to imply that the ongoing operations of the Federal Trade Commission are of more importance to this country than the work of the International Communication Agency. At a moment when American obligations and responsibilities abroad are

being reassessed, at a moment when the American public clearly wish a stronger U.S. presence overseas, members of the Congress are suggesting that our most important arm of peaceful international diplomacy be shortened.

Do members of the Congress seriously think that it is wise, prudent and sound public policy:

To take money from students and scholars traveling to and from this country;

To take money from the operations of the Voice of America (only recently instructed by the National Security Council to broaden their efforts overseas);

To take money from our libraries, publications and exhibitions around the world;

All this to finance the payroll of a domestic agency caught in the throes of a congressional fight?

We urge you in the strongest possible terms to withdraw or defeat H.J. Res. 514 in the public interest. Surely our great nation does not have to resort to this kind of shabby, ill-conceived, even shameful maneuvering to meet its payrolls and other obligations.

OLIN ROBISON,  
Chairman. ●

##### SOVIET INTRODUCING NEW TANK IN EUROPE

● Mr. GARN. Mr. President, we have reaped the inevitable results of 20 years of neglect of U.S. armored forces. Twenty years ago we fielded the M-60 tank which was slightly better as a combat vehicle than its contemporary, the Soviet T-62. Unfortunately, the most modern U.S. tank in service today is the M-60 while the Soviets have fielded the T-64 and the T-72.

This did not have to be the case. The U.S. developed but did not deploy the dramatically improved MBT-70. The MBT-70 was a casualty of the antimilitary feeling of the late 1960's and early 1970's. The termination of this vehicle assured U.S. inferiority in the 1970's.

The current situation is far worse than we have been lead to believe. Drew Middleton writing in the New York Times reports that "the evidence of European intelligence sources and Defense Department officials who have testified before Congress is that the two Russian battle tanks are equipped with a new form of armor resistant to penetration by U.S. TOW and Dragon antitank missiles and against European HOT and Milan missiles well." These are the heaviest antitank weapons that NATO has in Europe today. If this is true it means that not a single antitank weapon on the ground in Europe today can stop the latest Soviet tanks. Moreover, writes, Drew Middleton, "The T-80 is expected to have even better armor." The Under Secretary of Defense, Dr. William Perry, told the Congress, Mr. Middleton notes, that "the TOW antitank missile was incapable of penetrating the T-64 and T-72 and that even after planned modifications the new TOW-2 might be incapable of stopping the T-80."

During World War II we faced similar problems. The German Tiger and Panther tank had far superior armor. U.S. M-4 Sherman could not penetrate its frontal armor. However, we were able to defeat the Germans because we had far more tanks than they did.

Today, the situation is worse. The Soviets have better tanks and much greater numbers of tanks. Mr. Middleton reports that the Soviets already have 9,900 T-64/72 tanks by mid-1979, compared to a planned U.S. production of 7,700 XM-1 by 1990.

I find it incredible that under these circumstances the President of the United States has not reversed his ill-advised decision against the production of the neutron bomb. This may be the only effective antitank weapon we have in the 1980's. Especially in the light of his subsequent decision to deploy high yield long range theater nuclear weapons in Europe, his opposition to the neutron bomb is simply irrational.

I commend Mr. Middleton's article to my colleague's attention and ask that it be printed in the RECORD.

#### The article follows:

##### SOVIET INTRODUCING NEW TANK IN EUROPE (By Drew Middleton)

While the United States has been moving toward the production of its first new tank in 20 years, the Soviet Union has been improving the quality and quantity of its tank forces and has embarked on the production of its fourth new tank in 20 years, the T-80.

The Russian tank program could be viewed with more equanimity by the United States and its NATO allies if there was reasonable confidence that the Soviet tanks now deployed, the T-64 and T-72, were vulnerable to the antitank guided missiles in the American and allied armies.

But the evidence of European intelligence sources and Defense Department officials who have testified before Congress is that the two Russian battle tanks are equipped with a new form of armor resistant to penetration by the United States TOW and Dragon antitank missiles and against the European HOT and Milan missiles as well.

Both TOW and Dragon are being modified to insure penetration of existing Russian armor. But some analysts of the Soviet tank forces doubt whether these modifications will produce weapons that will destroy the T-80's, which are expected to reach Russian armored divisions late this year.

##### SOVIET DEPLOYS MORE TANKS

The quantitative lead that the West hoped to assume through the production of the American XM-1 tank, the West German Leopard II, the British Chieftain II and hundreds of thousands of antitank guided missiles has been put in doubt. And the Russians have added to their quantitative superiority.

By the middle of last year about 9,900 T-64's and T-72's had been deployed by the Soviet Union. About 7,800 of these were with armored units in Eastern Europe and in the western military districts of the Soviet Union. In addition the Soviet army has about 12,000 tanks, most of them older models, in storage, according to European intelligence sources.

The United States Army's goal for production of the XM-1 is about 7,700 tanks by late in the decade.

The military problem posed for the West by the Soviet superiority in numbers and quality has been exacerbated by the improvement in the body armor of the T-72 and, to a lesser extent, in late models of the T-64. The T-80 is expected to have even better armor.

In testimony to Congress last year William J. Perry, Under Secretary of Research and Engineering in the Defense Department, and Percy A. Pierre, Assistant Secretary of the Army for Research, Development and Acquisition, made some significant disclosures.

##### INCAPABLE OF PENETRATING ARMOR

Mr. Perry said that the TOW antitank missile was incapable of penetrating the T-64 and T-72 and that even after the planned

modifications the new TOW-2 might be incapable of stopping the T-80.

Mr. Pierre was equally frank. He told Congress that both the T-64 and the T-72 were superior to the M-60, the American tank now deployed in Europe, and that "in face of the overlapping succession of new tank developments we no longer are on safe ground contenting that our yet-to-be-deployed XM-1 will be vastly superior to future Soviet models."

American and European specialists see these elements in the armored equation:

"Until modified American and European antitank missiles are produced and deployed, Soviet tanks, already numerically superior, will be able to take a hit on their frontal armor and keep moving."

"The quality of the new American tank and of advanced West German, British and French tanks will be matched by the Soviet T-80, which, if past performance offers a criterion, will be produced at greater speed and in greater numbers."

The United States is attempting to improve the range and lethality of the more than 100,000 TOW missiles in the Army's inventory and to improve the range of the Dragon missile by over 50 percent of its present range of 1,000 to 1,500 meters.

#### PROMISING WEAPON FOR FUTURE

A more promising weapon for the future is the Assault Breaker, a new antitank weapon being developed by the United States and a French-British-West German consortium that, barring delays in funding and development, will be deployed in the last half of the decade.

Assault Breaker will fire multiple missiles carrying large numbers of small heat-seeking bombs, or, alternatively, small missiles with a range of almost 100 miles.

The Defense Advanced Research Projects Agency, according to arms specialists, already has awarded a number of contracts for components of the Assault Breaker system. The next steps are the assembly of the missiles and tests against tanks.

Some senior officers, who asked for anonymity because of their roles in operational planning, said they thought the Assault Breaker was like other panaceas promised in the past: "Pie in the sky."

What the Army needs in the next "dangerous years," they said, is a weapon available today "or at latest tomorrow." The recurring theme is that the Army may not have the time to develop, test and produce: "We need something now." ●

#### BALANCING THE FEDERAL BUDGET

● Mr. MUSKIE. Mr. President, I ask that my remarks to the National Association of Realtors Monday, March 31, be printed in the RECORD.

The remarks follow:

REMARKS OF SENATOR EDMUND S. MUSKIE TO THE NATIONAL ASSOCIATION OF REALTORS, MARCH 31, 1980

The very nature of the Budget Committee's work demands an ongoing dialogue with outside experts and informed advisors.

We are legislators, not economists—and yet we must make decisions which are intimately related to the state of the economy.

We deal with issues of great concern to the business community—and yet very few of us have much practical business experience.

We must budget for every aspect of Government activity—and yet it is impossible for us to be deeply familiar with all of those activities.

And so, we must rely to a large extent on the opinions and judgments of others—both in and out of Government. That is why I am very pleased to speak with you this morning,

and to have your association's formal statement to the committee on the fiscal 1981 budget.

I would like to respond to that statement this morning, and I would like to share with you some of my own thoughts about the direction we are taking this year.

Mark Twain defined an expert as someone who comes from more than 25 miles away. By that standard, most of you would qualify.

But a more stringent standard must apply to those who seek to play a role in shaping fiscal policy. As representatives of one of America's most important industries, you are well qualified to help us consider the issues.

The well-known maxim that "the business of America is business" may be a bit overstated. But the well-being of American business and industry is centrally important to the prosperity of all of our citizens.

Yours is one of the most essential industries of all. The health of our economy depends very heavily on the builders, developers, and those who manage the buying and selling of real property.

Unfortunately, your industry is also one which traditionally absorbs much of the punishment when the economy turns sour. And the housing and real estate markets are among the first to fall.

In the end, of course, no one is safe from the twin disasters of ever higher prices and ever more expensive credit. Quite rightly, the American people look to public officeholders for answers.

I will not accept the simplistic point of view that Government alone is responsible for the current dilemma—nor that Government alone can solve it.

But Government is indeed responsible for limiting public spending to prudent levels—for shaping a disciplined long range fiscal policy—and for exercising leadership in a national effort to turn the economy around.

I am convinced that such leadership must begin with a balanced Federal budget for fiscal 1981. I can assure you without reservation that the budget which we are now drafting will indeed reflect a balance for the coming fiscal year.

But do not be taken in by the rhetoric of those who insist that achieving such a balance is painless. To the point of monotony, catch-words like "fat," "waste," "inefficiency," and "bloated bureaucracy" have anchored the rhetoric of some who know no better and others who should. It is not that easy.

I proposed to the Budget Committee last week that spending should be \$19 billion lower than the President's January budget. Believe me when I tell you that there isn't \$19 billion of "fat" to trim. Real sacrifices be imposed.

In your association's statement to the Budget Committee, it is noted that a recent Gallup poll showed broad public support for fiscal restraint. That is no surprise. It is even less surprising that many of the respondents called for tax relief.

But those people were not asked where the cuts should be made. Similar polls have produced similar results on the general question of overall Federal spending. But the answers are different when specific programs are mentioned.

"Cut the budget," people say. But don't touch pensions for the elderly. Don't pull the rug out from under the colleges and universities. Don't do away with revenue sharing. Don't diminish the Federal effort to solve the energy crisis. And oh yes, be sure to allow for a huge new increase in military spending. And don't forget to provide a tax cut while you're balancing the books.

A theoretical devotion to austerity is one thing. A willingness to accept the consequences is quite another. We are now working to overcome the most serious economic

challenge in recent memory. And yet, even modest sacrifice produces an uproar in many quarters of our society.

Ironically enough, public demands for Federal largesse are a prominent reason why public demands for a balanced budget are so very hard to satisfy.

That also explains why so many politicians talk in frugal generalities and vote for specific spending increases.

A variation of the same principle explains why every interest group in America couples faith in fiscal responsibility with an equally fervent demand for a bigger piece of the action.

It is to the credit of your association that the statement you have submitted to the committee is a responsible and well researched approach to fiscal policy. It is long on logic and short on rhetoric.

That is not to say that I find all of the logic to be compelling in its conclusions. But I would like to take a few moments to outline the areas in which we agree as well as those in which our perspectives may differ.

The association's first recommendation calls for 2 percent slower growth in Federal spending during the remainder of fiscal year 1980.

My recommendation to the Budget Committee calls for outlays of \$567 billion in 1980. That level would actually provide a budget balance between outlays and revenues during the remainder of the fiscal year.

We are already half way through that year. Much of the money has already been spent. Much is contracted for. But much can be cut back if the committee accepts my position.

The association's second recommendation calls for 1 percent slower growth in Federal spending than proposed by the President for fiscal year 1981 in his January budget.

That would require outlays of no more than \$611 billion. I am recommending an outlay total of \$610.6 billion.

If the committee, and then the Congress, accept that recommendation, the association's proposal will be realized. I intend to work very hard for that result.

The association's third recommendation calls for a balanced budget for fiscal year 1981. As I said at the outset, the Budget Committee will make that recommendation to the Senate. Moreover, I will do all within my power to see it approved on the floor and respected throughout the legislative year.

The association's fourth recommendation is a bit more ambitious. It suggests that Federal spending should grow 1 percent more slowly than national income does. Presumably, the gross national product would serve as a benchmark.

It is a far more reasonable proposal than some GNP-related plans which have been offered by others. One such plan would limit Federal spending to 21 percent of GNP in fiscal year 1981.

I favor a reduction in the Federal share of GNP below 21 percent. But 21 percent is not a reasonable goal for 1981—not if we are to increase defense spending and avoid the virtual shutdown of essential programs overnight.

By the way, the Brooke-Cranston program and other Federal housing aid would surely be among the victims.

In any case, limiting the growth of Federal spending will demand the real spirit of discipline which I hope the Congress is prepared to accept.

No one, of course, has patented a reliable crystal ball. And economists are not well known for confident estimates of the course of the economy.

The story is told that one economic wizard was asked to explain the economic impact of the American revolution. He replied that it was too early to tell.

It may be too early to tell whether the



Federal growth path will indeed be as moderate as we now hope. But it is a good bet that the days of wide open spending are behind us.

The association's fifth and sixth recommendations deal with the question of tax relief. It is proposed that tax cuts should be implemented in fiscal 1981. It is then proposed that they should be targeted to encourage savings and investment.

Let me respond with several observations. First, priority number one is to balance the books. Even in an election year, it would be unconscionable for Congress to vote a tax cut unless that can be done without sliding back to a deficit.

Last week, the Senate adopted the amendment I proposed to balance the 1981 budget and to reserve any surplus for a tax reduction. And under the amendment at least half the tax cut should be devoted to encouraging productivity and investment.

Second, my recommendation to the budget Committee as its chairman calls for balance, and for a \$16 billion tax cut in fiscal year 1981.

Our people need tax relief. Investment can be stimulated by tax relief. Productivity can be enhanced.

But the tax relief which I hope we will provide in 1981 might well be described as a "good behavior tax cut." Not only the Congress, but the economy must cooperate in order to achieve it.

The Congress must be on its best behavior in accepting the discipline of outlay restraints in the budget resolution.

The economy must be on its best behavior to spare us another inflationary surge or a deep recession—either of which could gobble up a surplus without any congressional action at all. It is particularly important that wages and prices be restrained.

Finally, individual Congressmen and Senators must be on their best behavior when each separate spending vote comes up on the floor.

A balanced budget resolution is merely a balance on paper. That is hard enough to achieve. But the real test comes when the real cuts are voted upon—one by one—throughout the spending season.

Unfortunately, too many legislators are press conference misers and roll call spend-thrifts.

A moment ago, I mentioned a recent Senate proposal to confine Federal spending to 21 percent of GNP. 43 Senators cosponsored that resolution. The press conference was well attended.

But just 1 month before they joined that crusade for draconian austerity, 34 of them voted to break the budget for veterans programs; 26 of them did the same for disability insurance.

No one held a press conference to draw attention to that.

As individuals, and even as a group, you can do little to prevent the economic blow-ups which could make a surplus vanish. But in both capacities, you can help through your own willingness to absorb some of inflation's costs instead of passing them on.

As individuals, and especially as a group, you can do a great deal indeed to help prevent political sleight-of-hand, the sort which allows some politicians to talk like budget-cutters and vote like budget-busters.

Someone has offered a bit of real world advice regarding efforts to influence Congress. It is better to make them feel the heat than to make them see the light.

I believe a majority of Congress has seen the light in regard to the need for fiscal discipline. But a little heat may well be in order as well.

That is why the achievement of a balanced budget in fact as well as on paper is largely up to you and other constituencies throughout the nation.

That is why a fiscal 1981 tax cut depends on that same variety of old fashioned political heat.

Having so far expressed substantial agreement with most of your association's recommendations, I cannot conclude without raising at least a hackle or two.

The special interests I have referred to rather disparagingly are everyone's whipping boy. Each of us belongs to a chamber of commerce, a trade union, or a professional association, but none of us would be caught dead associating with a special interest.

In the end, of course, we all have special interest in one piece of the budget or another. And if true fiscal restraint is ever to be achieved, we must all be willing to sacrifice something.

If I were to stand before this audience and rattle off a carefully prepared list of budget cuts, I know I would receive your hearty approval.

But the cuts we are considering this year are not confined to any single program.

I wonder what a show of hands would produce here this morning in regard to one particular cut which the committee has before it—the one which would save \$700 million in budget authority by reducing the interest subsidy for Ginny Mae.

I can offer you the solace that this particular cut is unlikely to be adopted. And I am sure that you could give me many reasons as to why it should not be.

But I assure you that there are just as many reasons for sparing every other portion of the current Federal budget.

One person's wasteful extravagance is another's vital contribution to the welfare of the republic. One person's tax loophole is another's investment incentive.

Such is the dilemma of those who must face the voters—voters who demand a balanced budget—but not at the expense of actual sacrifice.

Everyone has a cut list—a route to balanced books. But no one completely agrees on anyone else's formula.

One is reminded of the Catholic Priest who spoke to a group of Protestant Ministers. "We are Both Doing God's Work," the Priest told them, "You in Your Way, And I in His."

Let me conclude with the basic reassurance that the budget resolution will be balanced—perhaps not exactly in your way—and certainly not exactly in mine. The requirements of legislative compromise do not allow for such purity. But the requirements of meeting the current economic challenge demand more than a little sacrifice and more than a little discipline from each of us. ●

#### PERSECUTION OF CHRISTIANS IN THE SOVIET BLOC COUNTRIES

● Mr. JEPSEN. Mr. President, last December the Senator from Oklahoma (Mr. BOREN) and I were joined by two of our colleagues in the House, Representatives JACK KEMP and JIM HOWARD, in introducing two concurrent resolutions dealing with the matter of the persecution of Christians in the Soviet bloc countries. The purpose of the resolutions is to establish a national campaign of awareness on behalf of Christian dissidents, similar to the one that is ongoing in behalf of Soviet refuseniks.

Since we introduced Senate Concurrent Resolutions 60 and 61, 27 Senators have joined our effort by cosponsoring the resolutions. Preliminary talks with the Senate Foreign Relations Committee have been encouraging, and it is possible that some hearings will be held on them in the not too distant future. I want to take this time to express my thanks to

the chairman and ranking member of the Foreign Relations Committee, Mr. CHURCH and Mr. JAVITS, respectively, for their cooperation.

Mr. President, Senate Concurrent Resolutions 60 and 61 could not be more timely. Recent events inside the Soviet Union and other Soviet bloc countries show just how much the freedom to exercise religious beliefs is denied. People courageous enough to proclaim and preach the word of God are harassed and imprisoned. Those believers who wish to emigrate to freedom are prevented from leaving and are hounded by Government agents and officials.

In this regard two recent articles have been brought to my attention. One, appearing in a recent edition of the Wall Street Journal, is a statement by Russian author Alexandr Solzhenitsyn on the treatment of Father Dmitri Dudko and Father Gleb Yakunin by Soviet authorities. The other is an article written by Kevin Lynch for the March 21 issue of National Review updating the story of the Pentecostal families holed up in the U.S. Embassy in Moscow.

Mr. President, the circumstances and tone of these articles suggest that it is time once again for the current administration to renew its commitment to the human rights of the persecuted Christians and Jews behind the Iron Curtain. Furthermore, it might be wise to re-evaluate the U.S. participation in the Helsinki accords. The commitment to human rights must be a mutual affair, but it seems that such is not currently the case.

I want to commend the articles to the attention of my colleagues, and once again call and encourage them to join with the effort embodied in Senate Concurrent Resolutions 60 and 61.

I ask that the articles be printed in the RECORD.

The articles follow:

[From the National Review, Mar. 21, 1980]

#### THE GUESTS IN THE BASEMENT

(By Kevin Lynch)

(It is also wrong, and patently unfair, to imply that we in the Embassy are indifferent to the plight of these people, and indeed of others like them in the Soviet Union. I can assure you that the U.S. Government is deeply concerned about these families, and is continuing to do everything it can to help them.)—Thomas R. Hutson, American Consul, U.S. Embassy, Moscow.

(Which one of you is going to have the courage to go back to Chernogorsk first?)—Unnamed U.S. Embassy official, as quoted in the Los Angeles Times, December 29.

The third day of Christmas—December 27—marked the 18th month of asylum for seven Russian Pentecostals sealed inside the U.S. Embassy in Moscow. From one perspective, little has changed since NR's first report on the seven, five members of the Vashchenko family and two members of the Chmykhalov family ("Down and Out in the U.S. Embassy," August 31). They haven't seen any members of their families in Chernogorsk, Siberia since they surprised the Soviet guards and dashed inside the Embassy on June 27, 1978; their only contact remains by mail and telephone, when the Soviets permit. In all these months Soviet officials have offered no promise that they will allow the families to emigrate. As for the U.S. Embassy, it persists in its stated position that the families would be better off if they returned to their homes

in Chernogorsk and, as seen above, continues to urge them to do so. But while the overall picture remains the same, details have changed, some of them for the better.

The day-to-day existence of the seven inside the Embassy has improved somewhat since NR's first report.

First of all, Ambassador Malcolm Toon retired in October. Usually classed as a hard-liner on the Soviet Union (an image he buffed in all his farewell interviews), those close to the seven readily grant one thing: Toon was a hardliner on them. It's too soon to judge Toon's successor, Thomas J. Watson Jr., the former head of IBM, but he is believed to be more sympathetic to the families than was Toon. The main concern is that Watson, a diplomatic novice, is very much a team player, and never in 18 months has any member of the Carter team extended himself on behalf of the families.

Interviews with the press may now take place indoors rather than in the Embassy courtyard. This concession is especially welcome now in winter.

Mail is getting through to them from the West, thanks largely to the efforts of two Alabama dynamos, Jane Drake, head of the Society of Americans for Vashchenko Emigration, and Babette Wampold, president of the Alabama Council to Save Soviet Jews. The two women succeeded in getting Congress to approve a resolution condemning Soviet interference with the mails. Prior to the resolution, about two dozen letters had trickled through to the families in the first ten months of 1979; since the resolution, about 1,200 letters have reached them.

Perhaps most important of all, the deeply religious families are now permitted to attend Catholic Mass inside the Embassy. This concession came last autumn, and, as with most of the Embassy's humanitarian gestures, it came only after pressure was applied, in the form of an open letter from the seven to Pope John Paul II. "We should like very much to attend the Catholic services here in the Embassy," the families wrote, "however, we did not receive permit from the Consulate. The Consulate has not refused us flatly, so the whole world would not get the impression that we are being confined here like in prison." A short while later the families were worshipping with their fellow Christians.

Some things haven't changed at all. Their living quarters remain the same—a room in the basement of the Embassy. The State Department, in its form letter reply to those who inquire about the families, reassuringly notes that they have been "provided with a furnished apartment equipped for cooking." The "apartment" is one room, approximately 12 feet by 15 feet, and is furnished with two single beds for the seven (three of them sleep on the floor). But the seven never complain of being cramped. The Vashchenkos, who have a total of 15 people in their family, have about as much room in the Embassy as they do in their two-room house in Chernogorsk. In addition to such undreamt-of luxuries as a refrigerator, washer, and drier, they have something their kinsmen back in Chernogorsk would really covet—an indoor toilet. In short, though their living quarters are minuscule by Western standards, the families are well cared for physically. Whether they are well cared for politically is another question.

Toward the end of August, four congressmen descended into the cellar to visit them, one of whom was Representative Robert K. Dornan (R., Calif.). Obviously moved by what he had seen, Dornan later confronted a Soviet official and asked if he could take the seven and the others members of their families back to the States with him on the congressional plane. The Soviet official replied that he couldn't let him do that since the U.S. Embassy had never officially requested permission for the families to leave. At the

time of Dornan's request, the families had been confined in the Embassy for 14 months, during every one of which the U.S. Government supposedly was, as Mr. Hutson wrote in his letter quoted above, "continuing to do everything it can to help them."

Toward the end of September, word came of a possible breakthrough; America's quiet diplomacy, it appeared, had finally triumphed. The Soviet Union offered the seven a chance to emigrate. There was only one catch; they would have to leave the Embassy and return to Chernogorsk. The U.S. Embassy, predictably, jumped at the offer and, as the *New York Times* put it, "recommended strongly" that the families accept it. The families, however, refused to budge. Several members had already spent years in Soviet prisons and psychiatric hospitals in punishment for previous visits to the Embassy; this time the punishment would undoubtedly be more severe. In their earlier visits they had quickly departed the Embassy after brief conversations with U.S. officials; this visit, at the time of the Soviet offer, had lasted 15 months. Though Toon was extremely perturbed by their decision, a different sort of hard-liner was greatly relieved. Soviet dissident Aleksandr Ginzburg dismissed the offer as a trick to get the families out.

Having failed to lure them out by diplomatic means, the Soviets reverted to methods they're more familiar with. Peter and Augustina Vashchenko have ten children not in the Embassy. Maria Chmykhalov has a husband and four children in Chernogorsk. If the Soviets can't punish the seven physically, they can still punish them psychologically.

Both families have suffered from their months of separation, but of all those outside of the Embassy, Aleksandr Vashchenko—Sasha—is probably the most vulnerable. Imprisoned in a labor camp in the Krasnoyarsk territory for his conscientious refusal to serve in the army, he is separated from both wings of his family, the five in the Embassy and his nine brothers and sister in Chernogorsk.

No inmate of a Soviet labor camp enjoys anything but a miserable existence, but there are degrees of misery. Late in December the Vashchenkos learned that Sasha had been sent to the isolation cell, a place harrowingly described by Vladimir Bukovsky in *To Build a Castle*. Food every other day. Bed is a wooden plank. "The place is indescribably filthy," writes Bukovsky. "Dried globs of bloody saliva adorn the walls before you. And right here is where you start to go under, to slip down to the very bottom, into the ooze and the slime."

Denied correspondence privileges by the camp authorities, Sasha tried to smuggle a letter to his family in the Embassy. He was caught and sentenced to an extraordinary six months in the isolation cell. Upon learning of Sasha's sentence, the families immediately smuggled word to the West. The Research Center for Religion and Human Rights in Closed Societies, located in New York City, relayed the appeal to its network of supporters, who thereupon sent letters to the chief Soviet prosecutor as well as the head of Sasha's camp. Weighing upon everybody's mind was the belief that Sasha would never survive his sentence—five and a half months longer than the usual term in the isolation cell. Three weeks after the letter-writing campaign began, the families learned that Sasha had been removed from the isolation cell and permitted to rejoin his fellow prisoners. The authorities gave no reason for their action, but the letters from the West undoubtedly made a difference.

In the midst of the turmoil over Sasha, Embassy officials demonstrated once more their special sensitivity toward the families. Recipients of the State Department form letter are led to believe that anyone who wishes to may visit them: the families, the letter states, "have received numerous visi-

tors, including members of Congress, members of the President's Commission on the Holocaust, and American religious leaders." On December 19, five prominent Baptist leaders went to the Embassy and requested permission to see the families. Since the five were in Moscow for the Congress of the All-Union Council of Evangelical Christians Baptists in the Soviet Union, they obviously had passed inspection by the Soviets, but American standards appear to be even higher. An Embassy official denied them permission to see the families. Six days later, Christmas Day, a member of the Embassy sought permission to see the families (except for about half a dozen members of the Embassy, all other Embassy personnel must first receive permission before they can visit the families). Once again the answer was no. These rejections are by no means unusual. Not once in all the months the families have been in the basement, the State Department letter to the contrary notwithstanding, has an American religious leader been granted permission to see them.

[From the Wall Street Journal]

#### NOTABLE & QUOTABLE

(Alexander Solzhenitsyn, denouncing the Soviet Union's arrest and planned trial of two outspoken Russian Orthodox priests, in a statement released by Freedom House through its Center for Appeals for Freedom in New York City)

The time has passed for the trumpet calls of Communist slogans: "We shall seize God by the throat!" With all their totalitarian power Communists are now trying to squirm out of admitting that they are persecuting and burning out belief in God.

There has flowered in Russia an independent, courageous priest who is loved far beyond his own parish, Father Dmitri Dudko, who has not bowed his head before the standing KGB orders of the official church. He has renewed the age-old sermons to the hearts of the people, sermons which are forbidden in the U.S.S.R., and the people, pining for the word of God for half a century came to him in throngs.

It is precisely for this reason that the Communists are destroying Father Dmitri today, but their mighty power is afraid to act openly—word has come from Moscow that the KGB is coaching false witnesses among the young people for a spurious trial with the vile allegation against the priest of homosexuality and drunken orgies, as his parish discussions with young people are portrayed, and which are closer to the government's level of understanding of such matters.

Another independent brave priest, Father Gleb Yakunin, who informed the world about Khrushchev's persecutions of the Church earlier than all others, who fearlessly defended all persecuted believers in the U.S.S.R. for 15 years, will also be tried covertly for his Christian belief and Christian truth. Against him, however, they are preparing yet another false accusation: speculation in icons. The greatest marauder and speculator in Russian history—the Soviet government—comes forth with this accusation after having exported, and while still exporting abroad immeasurable treasures of the Orthodox religion and of Russian art, for currency.

I have personally known both of these self-sacrificing, inspired priests for many years and I will testify for them in order that the world may hear beforehand about the baseness being prepared by the Soviets. Brezhnev's total attack against religion is now under way. Members of Christian seminars, young people who have begun to see clearly, are being arrested, and they will be tried on false charges.

Communist leaders still have sufficient power to seize people, and even continents,



but they lack the courage to look people straight in the eye.●

#### NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mrs. Margo Carlisle, of the staff of Senator McClure, to participate in a program sponsored by a foreign educational organization, the Konrad Adenauer Stiftung in the Federal Republic of Germany from April 8 to April 12, 1980.

The committee has determined that participation by Mrs. Carlisle in the program in the Federal Republic of Germany at the expense of the Konrad Adenauer Stiftung, to participate in a study program, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 43 which would permit Mr. Timothy Keeney, of the staff of the Committee on Appropriations, to participate in a program sponsored by a foreign educational organization, the Graduate School of American Studies of Tamkang College in Taipei, Taiwan, from April 4 to April 11, 1980.

The committee has determined that participation by Mr. Keeney in the program in Taiwan, at the expense of Tamkang College, to discuss the political and legislative systems of the United States and United States-Taiwanese relations, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 43 which would permit Mr. Michael B. Joy, professional staff member on the Senate Appropriations Committee to Senator Hollings, to participate in a program sponsored by a foreign educational organization, the Graduate School of American Studies of Tamkang College in Taipei, Taiwan, from April 4 to April 11, 1980.

The committee has determined that participation by Mr. Joy in the program in Taiwan, at the expense of Tamkang College, to discuss the political and legislative systems of the United States and United States-Taiwanese relations, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 43 which would permit Mr. William R. Hoppner, administrative assistant to Senator Exon, to participate in a program sponsored by a foreign educational organization, the Graduate School of American Studies of Tamkang

College in Taipei, Taiwan from April 4 to April 11, 1980.

The committee has determined that participation by Mr. Hoppner in the program in Taiwan, at the expense of Tamkang College, to discuss the political and legislative systems of the United States and United States-Taiwanese relations, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 43 which would permit Mr. George Ramonas, an employee on the staff of Senator PETE V. DOMENICI, during the period from April 6, 1980, to April 13, 1980, to participate in a program sponsored by Tunghai University of Taiwan. It has been determined that Mr. Ramonas' travel, the costs of which will be borne by Tunghai University, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 43 that would permit Mr. Steve Jones, an employee on the staff of Senator STROM THURMOND, during the period from April 6, 1980, to April 13, 1980, to participate in a program sponsored by Tunghai University of Taiwan. It has been determined that Mr. Jones' travel, the costs of which will be borne by Tunghai University, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 43 which would permit Mr. Ned W. Massey, a member of the staff of Senator RANDOLPH, to participate in a program sponsored by a foreign educational organization, the Graduate School of American Studies of Tamkang College in Taipei, Taiwan, from April 4 to April 11, 1980.

The committee has determined that participation by Mr. Massey in the program in Taiwan, at the expense of Tamkang College, to discuss the political and legislative systems of the United States and United States-Taiwanese relations, is in the interests of the Senate and the United States.●

#### THE 150TH ANNIVERSARY OF THE MORMON CHURCH

● Mr. GARN. Mr. President, this Sunday, April 6, will mark the 150th anniversary of the organization of the Church of Jesus Christ of Latter-Day Saints, commonly referred to as the Mormon Church. As a life-long member of the church, I am proud of its phenomenal growth and development—from a tiny group of 6 in 1830 to a world-wide community of 4.5 million in 1980. The fastest growing major denomination, the Mormon Church is projected to have upwards of 11 million members by the year 2000.

But my pride in the Mormon Church goes beyond its numerical growth. The church also has produced generations of industrious, patriotic, God-fearing people who have contributed meaningfully to the progress and well-being of nations all over the globe.

I would like to share with my col-

leagues an article by Elder Gordon B. Hinckley, a member of the church's Quorum of the Twelve. He gives "A Personal View of Our History," which I believe graphically portrays the 150-year panorama of Mormonism. The article appeared in the April issue of the Ensign, the official publication of the church. I ask that the article be printed in the RECORD.

The article follows:

#### A PERSONAL VIEW OF OUR HISTORY

The soil that Peter Whitmer and his sons cultivated in 1830 is still farmed and is still productive. The immediate area remains essentially rural, the roads narrow, the houses scattered. The old home of the Whitmer family has been authentically restored—the walls, floors, and roof structure formed of logs from buildings that were erected in the area prior to 1830. Archaeological research, locating the old stone footings, determined the precise location and size—twenty feet by thirty feet. It contained two rooms on the main floor, with two more in the loft above. A substantial rock fireplace provided warmth against the bitter New York winters. All of this has been recreated in a most careful manner to restore what was previously there.

The log house is part of a three-building complex. Directly opposite is the newer farmhouse, constructed years later, more commodious and ornate, its Doric columns affording a look of dignity. Between the two homes is an impressively beautiful new meetinghouse, architecturally faithful to the 1830 period, its gleaming white wood siding and mullioned windows giving the flavor of colonial New England, and its gold dome speaking of the Greek Revival architecture followed in western New York, as seen in the old courthouse in nearby Canandaigua.

The building houses a small and quiet chapel, the woodwork of which represents the very best of the millwright's art. Two wings lead off from the chapel, the one housing classrooms, the other a visitors center. This has been provided to accommodate those who will come by the many thousands from over the earth, to stand where Joseph stood that historic April 6, 1830, when the Church was organized.

Now a century and a half after the day of organization, one can in imagination return to that historic Tuesday which had been designated by revelation as the day to organize anew the church of Jesus Christ.

Peter Whitmer, Sr., had offered the use of his home for the organization meeting just as he had proffered its use a year earlier to Joseph Smith and Oliver Cowdery for the work of translating the sacred record which became the Book of Mormon.

Now, on the appointed day of April 6 there gathered a substantial number at the Whitmer farm. Some had previously been baptized; some had not. One can envision the horses tied to the fence, their saddles draped over the rails, and the wagons and buggies parked about the yard, with the harnesses thrown on the seats.

Those who had gathered from far and near expected to be there for some hours. This was an occasion they had looked forward to with much expectancy. At least thirty men and women, and perhaps as many as sixty, crowded into the small house. The proceedings were simple. Joseph Smith, then twenty-four years of age, called the meeting to order and designated five of his associates to join with him as the actual incorporators to meet the legal requirement in forming a religious society.

Those present knelt in solemn prayer. Joseph then asked if they were willing to accept him and Oliver as their teachers and spiritual advisers. All assented to this, there-

by instituting operation of the principle of common consent, which has subsequently been followed in the naming of all Church officers. Following this, Joseph ordained Oliver an elder, and Oliver in turn ordained Joseph. The sacrament of the Lord's supper was administered, the prayers used in this ordinance having been given through revelation (see D&C 20:75-79).

Joseph and Oliver then laid their hands upon the heads of those who had been baptized, confirming them members of the Church and bestowing upon them the gift of the Holy Ghost. Next, some of the men were ordained to various offices in the priesthood.

Through revelation received on this occasion, Joseph was designated "a seer, a translator, a prophet, an apostle of Jesus Christ" (D&C 21:1). Speaking in this capacity of authority, he instructed those present on how to build up the Church, and exhorted "them to be faithful in all things," declaring that "this is the work of God" (Joseph Knight, Sr., "Manuscript of the early History of Joseph Smith finding of plates, &c. &c.," Archives of The Church of Jesus Christ of Latter-day Saints, Salt Lake City, p. 7).

Following the meeting, others were baptized, including Joseph's father and mother, and his friend Martin Harris.

Thus, under those simple circumstances, was established in these latter days the Church of Jesus Christ, "built upon the foundation of the apostles and prophets, Jesus Christ himself being the chief corner stone," fitting the description written by the Apostle Paul centuries earlier (Eph. 2:20).

This day of organization was, in effect, a day of commencement, the graduation for Joseph from ten years of remarkable schooling.

It had begun with the incomparable vision in the grove in the spring of 1820, when the Father and the Son appeared to the fourteen-year-old boy.

It had continued with the tutoring from Moroni, with both warnings and instructions given on multiple occasions. Then there was the translation of the ancient record, and the inspiration, the knowledge, the revelation that came from that experience.

There was the bestowal of divine authority, the ancient priesthood again conferred upon men by those who were its rightful possessors—John the Baptist in the case of the Aaronic Priesthood, and Peter, James, and John in the case of the Melchizedek.

There were revelations, a number of them, in which the voice of God was heard again, the channel of communication opened between man and the Creator. All of these were preliminary to that historic April 6.

A full century and a half have passed since that historic day. In ancient Israel, each fifty years was marked as a year of jubilee, a time for remembering, a time for gratitude, a time for generosity, a time to look about and assess the present and to look ahead and plan the future.

For The Church of Jesus Christ of Latter-day Saints, 1980 is a triple-jubilee year in which to look back with appreciation for all of those who have gone before us and made possible the miracle of the present, to look at our situation today with a spirit of accomplishment marked by humility, and to resolve to continue with enthusiasm and strong conviction the building of the mighty work which God himself restored in this the dispensation of the fullness of times.

Ours is an incomparable inheritance. What a terrible price has been paid for what we have today. There was much suffering even before 1830. There were the snide remarks, the cutting jeers, the vicious threats against the boy who declared that he had seen a vision both transcendent and wonderful.

There was the crude laughter over "Joe Smith's gold Bible," with attempts to steal the sacred record. There was the heartbreaking loss of the 116 manuscript pages of the initial translation, the difficulty in finding a printer, the attempt of enemies to plagiarize the writing with a distorted version, the loss of the family home and farm through the knavish actions of a supposed friend.

These and more were among the troubles of Joseph, the boy and the young man, through the years of his preparation.

And then followed the troubles that came like legions after the Church was organized. It was a long journey from the land of Cumorah to the valley of the Great Salt Lake as it was traveled in those early days, moving from place to place a cause and a kingdom and a people.

Each location at first appeared as an oasis and subsequently became a place of despair. Repeatedly they arrived to search for peace, built for a season, and then were forced to leave, the objects of intolerance and persecution.

Kirtland, on the level land south of Lake Erie, was their first bright hope. Here they built their temple. This was a house of revelation, a spiritual refuge. But the peace of Kirtland was violated with tar and feathers, economic disaster, and blighted hopes.

Missouri was next, rich with promise concerning a center stake of Zion. This was in fact to be Zion. That hope was blasted with rifle fire, the burning of homes, the cry of the night-riding mobs, death of Haun's Mill and Crooked River, the evil expulsion order, the painful march to the bottomlands of the Mississippi and over the river to a temporary asylum at Quincy.

Left behind the fleeing exiles was their prophet with a few associates in the jail at Liberty. There they spent the lonely, miserable months of the winter of 1838-39. It was here that Joseph cried out, "O God, where are thou?" (D&C 121:1). Among the words of response came this remarkable prophecy: "The ends of the earth shall inquire after thy name, and fools shall have thee in derision, and hell shall rage against thee;

"While the pure in heart, and the wise, and the noble, and the virtuous, shall seek counsel, and authority, and blessings constantly from under thy hand.

"And thy people shall never be turned against thee by the testimony of traitors" (D&D 122:1-3).

There followed the miracle of Nauvoo, the City of Joseph. Here was the zenith of the prophet's mortal career—and the fast decline from their high point. The swamps were drained, a city planned, reaching from the water of the river up to the hill where the temple was built. The homes were of brick, sturdy and well planned.

Sounds of industry were to be heard—sounds of hammer on anvil, of stone shaped by the masons' tools, of saw and lathe and plane. Beauty rose from that swampland, beauty and order and the society of Illinois' finest city.

But there also rose a miasma of jealousy and hate and disloyalty. There were the Laws, the Higbees, the Bennetts, and others of their kind; and over in Missouri, Governor Boggs grew angry in his frustration over attempts to get at the Saints and more particularly their leader.

Likewise politicians, concerned over the Mormon vote, did their part. Small problems became mountains of conflict. Joseph knew a storm was coming. Prophetically he said one day in Montrose that the Saints would continue to suffer much affliction, that they would be driven to the Rocky Mountains, and that there they would become a mighty people.

He never saw that day, except through the eyes of prophecy. June 27, 1844, was the

hour of his tragedy. A mob, their faces blackened that sultry afternoon, took his life and that of his brother Hyrum. That night was the darkest of all the nights through which the Saints had lived in the city on the river. The forces of evil had finally claimed their prize. The Prophet was dead.

John Taylor, who had been with him at Carthage, summed up his work: "Joseph Smith, the Prophet and Seer of the Lord, has done more, save Jesus only, for the salvation of men in his world, than any other man that ever lived in it. . . . He lived great, and he died great in the eyes of God and his people" (D&C 135:3).

Meanwhile the message of the restored gospel had been carried throughout the eastern states and Canada, and across the Atlantic to Britain. Notwithstanding the serious problems at home, converts came in ever-increasing numbers. Their strength was needed for the ordeals that lay ahead.

The first wagons rolled out in early February 1846. Later that month the river froze and the wagons were able to cross on the ice. But the same bitter weather that brought this boon, also brought immense suffering to those who were leaving comfortable homes.

There were no roads the way the Saints traveled, and as the ice melted, mud, deep and embracing, took its place. What a picture they were, these thousands of wagons strung along a thin line that reached from dying Nauvoo on the Mississippi to Council Bluffs coming alive on the Missouri, all across what is now the state of Iowa. There were births and deaths, each fraught with pain.

On the west side of the Missouri a temporary city was built. It was called Winter Quarters. To those of lesser faith it might more fittingly have been named Despair. Nauvoo was irretrievably behind the exiles; to them it was the City of No Return.

Their objective in the Rocky Mountains seemed so everlastingly far away, even beyond the length of life itself for many. They died and were buried in the little cemetery above the river—men, women, and children, the victims of exposure and cholera and black canker.

Others traveling from the British Isles died at sea, or after coming up the river from New Orleans and getting as far as St. Louis, became victims to the dread disease that struck frequently, suddenly, and with fatality.

But they sang a song in the strange land through which they moved—"Come, come, ye Saints, no toil nor labor fear; But with joy wend your way." Its words spoke of courage, struggle, and death, but concluded always with the promise, "All is well! all is well!" (Hymns, no. 13).

Another blow fell with the recruitment of the Mormon Battalion with five hundred of its badly needed strong young men, but they went with a promise, and without them the Saints began moving west the following spring. They broke their own trail, killing rattlesnakes by the cord, fording and ferrying the streams and rivers, pausing on the Sabbath to worship their God.

They had left Winter Quarters when the warm spring sun melted the ice and grass began to green. They arrived in the valley of the Great Salt Lake in the scorching heat of summer when grass turned brown and withered from the absence of moisture.

But water from the mountain streams was turned onto the parched land, and for the first time plows broke the desert soil. The years that followed were years of struggle and expansion as they labored to make the desert blossom and to build Zion in the valleys.

They requested no help from government,



but unitedly worked to grub the sagebrush, to build canals, to lay out roads, and to erect temples and tabernacles, theaters and meetinghouses, schools and public buildings, as well as snug and comfortable homes.

While doing all of this they expanded the work of carrying the gospel of salvation to the people of the earth, across their own America and Canada, over the sea to the British Isles and Europe, to the ancient lands of Asia and the South Pacific, and later to Mexico and Central and South America.

This is the great drama, with its own peculiar elements of tragedy and triumph, of a century and a half of The Church of Jesus Christ of Latter-day Saints. It is unique. It is heroic. It is tremendous.

Notwithstanding the pressures of unrelenting persecution, the falsehood and vicious innuendo of public speakers and public press, the struggles against poverty and the harshness of nature, the Church and its people never took a step backwards.

There were pauses when it reeled from the blows of hate brought against it, but each year saw its membership grow in numbers and in strength. The predictions of its enemies evaporated without fulfillment. It outlived all of the prophets of doom who spoke against it.

I drafted the words of this article while flying from Salt Lake City to Washington, D.C., with a telegram of invitation from the White House to attend a breakfast with the President of the United States and members of his cabinet, participating with a group of others from across the nation in a briefing to discuss critical issues presently facing the United States. I had been designated by President Spencer W. Kimball to represent him on this occasion.

Flying 600 miles an hour at 39,000 feet above sea level, I looked at the earth beneath me. I saw where my brethren and sisters of earlier generations broke the road along the Elkhorn and the Platte. I envisioned their wagons drawn in circles at night after traveling only fifteen or twenty miles in a long day. In my mind's eye I witnessed them nursing their sick and burying their dead. I heard the cries of widows and orphaned children, the sobs of unspeakable loneliness as shallow graves were dug by those who never again would visit those hallowed places.

My journey completed, I entered the White House the next morning and sat among some of the wise of this nation, and reflected on the time when Joseph Smith also came to Washington, riding horseback much of the way and taking the cheapest lodging he could find, all that he could afford. He had come to make a plea for help from President James Buchanan, only to be rebuffed and return empty-handed to his people.

My journey epitomized for me the miraculous changes that have occurred since the days of Joseph. The little handful of people on April 6, 1830, has grown to 4½ million. The provincialism of that beginning in the towns and villages of western New York has blossomed into a great cosmopolitan society established in seventy-two nations of the earth. The respect others presently have for the Church has been won over a period of many years through the integrity of our people.

Of course there are voices of dissent and still much of criticism. But these voices are like the barking of a little dog at the heels of a strong and beautiful animal. Some few pay attention to the barking, but most see above that noise to the innate strength, the solidarity, and the beauty of the creature at which its enemies shout their ineffective complaints.

Standing on the summit of a century and a half, we view with gratitude and humility what has been wrought. Prophecy has been fulfilled: "The mountain of the Lord's house

[has been] established in the top of the mountains." Many people in many lands have said, "Let us go up to the mountain of the Lord, to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths" (Isa. 2:2-3).

As we celebrate the sesquicentennial year of the Church, we assess the present and find strength. The Church flourishes in a world of secularism. It is a refuge of spirituality to ever-increasing numbers. Not in the memory of any living member has the rate of activity been so high. Increased faithfulness is evident in attendance at sacrament meetings, priesthood meetings, seminars and institutes, and in temple attendance. Never before have there been so many missionaries, nor so many converts.

Faithful and active members of the Church occupy positions of great trust in government, education, business, and the professions. Its building program is vast, yet there is difficulty in keeping up with the demands of growth. Growth, in fact, is its most serious challenge.

We are far from being a perfect society as we travel along the road to immortality and eternal life. The great work of the Church in furthering this process is to help men and women to move toward the perfection exemplified by the Savior of mankind. We are not likely to reach that goal in a day or a year or a lifetime. But as we strive in this direction, we shall become better men and women, sons and daughters of God.

Looking to the future, the challenges we see facing the Church are immense. The Lord himself has declared that this work will roll forth to fill the whole earth, in preparation for the coming of the Savior to reign as King of Kings and Lord of lords.

Much has been done, but much more remains to be done. All of the work of the past is but prelude to the work of the future. In lands where the gospel has been taught for a century and more, the numbers of the Saints are still relatively small.

And in the earth's most populated nations the doors are presently closed. But somehow, under the power of the Almighty, they will in his time be opened, for this gospel "shall be preached in all the world for a witness unto all nations" before the end shall come (Matt. 24:14). There must be much more dedication, devotion, consecration. There must be a great expansion and a great acceleration.

Nor can we expect the powers of the adversary to lie dormant. Let us hope and pray that the days of burnings, drivings, and murders are forever behind us. But there will likely continue to be criticism and attacks of many kinds on the Church and its people.

It will be of a more sophisticated nature than it has been in the past; and in the future, as before, we may expect much of it to come from those within the ranks of the Church—members of record while apostate in spirit.

The very extent of the harassment we shall experience will stand as an evidence of the truth of this work. Else why would the adversary be so zealous to destroy it?

New challenges will arise as the work confronts new cultures. Yet there need be no fear of these. All of the people of the earth are sons and daughters of God, and there beats in the hearts of everyone something of divinity that will respond to the same teaching, no matter what the language or the land.

In days of sunshine it will become us to be humble. In times of storm we shall look to God for strength. This is his work. He will overrule for its blessing in the future as he has in the past. His Spirit will brood over the nations according to his will and wisdom, and hearts will be touched by its power.

The message of this work is the gospel of salvation. Its cause is the cause of peace. Its challenge lies in teaching eternal truths. Its

victory lies in accomplishing the work of God.

This year of jubilee is a season to look back over the past with wonder and gratitude at what has been accomplished against so much opposition; a time to walk in humility with appreciation for the munificent blessings of heaven; a day to gain strength and to reaffirm objectives for the years ahead. Those years will be fruitful and wonderful if this people will remain true and faithful and work with an eye single to the glory of God. ●

#### MAKING ENDS MEET

● Mr. MUSKIE. Mr. President, high energy costs and the other demands of inflation are human problems. The costs of inflation are not measured in the dollars and cents of the Federal budget, but in the struggle of the average family to make ends meet. For more and more families, there are no longer any luxuries to sacrifice to inflation, only a choice among necessities.

An article in the Washington Post on March 25 by reporter Tom Welch of Biddeford, Maine, brings these human choices into sharp focus. I ask that the article be printed in the RECORD.

The article follows:

#### LABORER VS. INFLATION (By Tom Welch)

BIDDEFORD, MAINE.—A few years ago, Raymond Libby felt sorry for the people living in a nearby housing project who seemed to be struggling just to get by.

But today, as he points to a rusting automobile in his driveway and repairs needed around his house, he only shrugs his shoulders and sighs.

"What I'd really like to do," he says half-heartedly, "is to buy a moped, and then take the money I save in gas and do some of the things that need to be done around here."

But for Libby, his wife Germaine and their three children, buying anything these days is no simple matter. Spending money will take careful planning—planning that will include deciding whether to stop using electricity for non-essentials and whether to cut more of the weekly food budget.

"I never dreamed I'd be sitting here talking about cutting out electricity and using kerosene lights for my home," he says, raising his voice above the crying of his nine-month-old son, who squirms in his lap. "But I know how it all works now—it creeps up on you and hits you. And it hits you where it hurts."

"It" is inflation. And in Maine, where a laborer's wages are often low and winter living expenses are almost always high, inflation is much more than just an abstract term. "It's something you can actually feel every day," says Libby. "And believe me, it isn't a good feeling."

Libby, 39, owns a modest ranch-style home near the center of this small textile mill city, about 20 miles south of Portland. An ex-hockey player, he works in the stitching room of a local shoe factory, earning \$4.42 an hour and working no more than 40 hours a week.

Although Germaine Libby at one time worked in the same shoe factory, she now stays home because of a physical disability. And with one pay check coming in each week, Libby says, "we're always borrowing from next week to get by this week." The Libbys have used their son's \$35 a week paper route to help with the family budget.

"I even receive monthly (Aid for Families with Dependent Children) benefits," says Germaine Libby, "and it still comes down to the penny—if we're lucky."

The Libbys spend between \$75 and \$85 a

week on groceries, \$100 a month for oil and nearly \$50 a month for electricity. They received \$200 this winter in emergency fuel assistance from the state.

For Maine, the past winter has been mild. Temperatures seldom dropped below zero, and except for one major snowstorm, snowfall has been light. But with heating oil costing nearly \$1 a gallon and a cord of wood between \$60 and \$80, Libby observes, "there's no cheap way out of it."

Libby may be right. Other families earning twice as much are beginning to feel more than a pinching sensation from the economy.

"I don't ever remember economic times this rough for us," says Paul Legere, a foreman in a textile mill in Sanford, a mill town about 50 miles south of Portland.

Legere, 43, owns a ranch home in a quiet residential section of town, has an above-ground swimming pool in his back yard and owns a recreational camper.

"But," he laments, rolling his eyes in the direction of the driveway, "I don't think I'll be using that camper much this year—I may even have to sell it."

"With four kids and \$100-a-week grocery bill," says his wife, Rita, who is a teacher in Sanford, "the \$26,000 we earn a year doesn't go very far."

The Legeres have not had to consider any drastic cutback in their home budget to save money. "But all of our kids work," she says, "and believe me, we have to borrow from time to time."

Because the winter has been mild, "we've managed to keep our fuel bills down to a little over \$100 a month," explains Rita Legere. "We've kept our thermostats down so that we have to wear sweaters, and we've tried to conserve wherever we can."

Legere even installed a home-made solar panel on the front of his home to save oil this winter. "It works fine," he observes, but adds quickly, "when the sun shines."

Legere, who has lived in the area most of his life, says he's "frustrated" at not being able to get ahead.

"We're making ends meet," he says, "but we can't save and we can't seem to find that little extra at the end of the week that we think we deserve."

"You work hard for 20 years, and you hope to be doing better all the time, but these days, who can get ahead? Most people are going backwards." ●

#### RECODIFICATION OF THE CRIMINAL CODE

● Mr. McCLELLURE. Mr. President, the article on the criminal code appearing in Human Events' April 5 edition may come as a shock to those of us who thought that S. 1722 was intended to be a recodification of current law.

That article charges that the bill's drafters have attempted to hide pivotal policy changes in 440 pages of verbiage. It discusses policy changes concerning gay rights, organized crime, women's rights, dangerous drugs, gun control, pornography, and prosecution of businessmen.

If even a fraction of these allegations are correct, S. 1722 represents by far the most controversial bill in the 96th Congress.

Earlier this year, I had asked Senate Steering Committee staff to do a legal analysis of S. 1722 from a conservative perspective. Pursuant to that analysis, staff members from various offices have met with representatives of the Justice Department to discuss concerns similar

to those mentioned in the Human Events article.

I am optimistic that those meetings will reach an appropriate conclusion concerning many of the points raised by staff and by the article.

In the absence of such an agreement, however, S. 1722 should be shelved.

Mr. President, the Senate floor is not the appropriate forum for going word-by-word through each of 70 sections. I would therefore hope that the Senators who have an interest in the bill would focus on some of the sections mentioned in the Human Events article, and would work with me to conform the bill more closely to current law.

I ask that the article from Human Events be printed in the RECORD.

The article follows:

#### DAINGEROUS KENNEDY BILL SNEAKING THROUGH SENATE

How would you feel about a bill which:

Enacted a major part of the Equal Rights Amendment by legislative mandate;

Cut back on the right of businessmen to keep warrantless federal inspectors off their premises;

Limited the ability of the FBI to investigate organized crime;

Virtually decriminalized marijuana possession, and lowered the penalties for a wide range of drug offenses;

Eased the ability of government to send businessmen to jail for murder as the result of deaths caused by their products;

Made it virtually impossible to prosecute pornography importers and interstate prostitution rings;

Tightened gun control laws; Impeded the prosecution of labor union officials for extortion;

Expanded criminal penalties for businesses;

Repealed the death penalty and generally decreased criminal penalties for dangerous persons; and

Extended the rights of homosexuals?

Not your cup of tea?

Then you may be interested in the fact that such a bill, according to legal experts, is about to pass the U.S. Senate with only scattered opposition.

The bill, S. 1722, is the recodification of the criminal code, and the chief author is none other than President Carter's main challenger in the primaries, Sen. Edward Kennedy (D-Mass.). The bill's enormous size—440 pages—has allowed Kennedy to build the liberal agenda for the 1980s without attracting much attention in conservative circles.

For instance, nowhere in the code is the word "homosexual" explicitly mentioned. Yet, Kennedy admitted to the Washington Post that he had implicitly built "gay rights" guarantees into the bill. Said Kennedy:

"I think that in the area of gay rights that there has to be elimination of all discrimination against gay rights in our society. I think any legislation that exists on the books should be struck down. We made some progress in the area of the recodification of the criminal code in that area."

But this is only one example of Kennedy's extraordinary craftiness in achieving liberal objectives without explicitly saying so.

Another section would overrule a Supreme Court case in which an Idaho man successfully prevented a warrantless OSHA inspector from inspecting his business. Under Section 1302 of the bill, Bill Barlow would now be in jail for "obstructing an (OSHA) function," unless he could demonstrate that, in addition to being unconstitutional, the inspection was also conducted in "bad faith."

Still another section would allow a pornography importer to transport foreign

smut into a jurisdiction with very loose moral "community standards," sell the material to a distributor, and thereby escape prosecution because the pornography "was legal in the political subdivision or locality in which it was disseminated."

In a backdoor effort to enact ERA objectives, the bill would prohibit discrimination on the basis of sex in connection with any state activity, any hotel or lodging house, any athletic facility, or any job, whether or not an individual's sex was relevant to the performance of that job. If enacted, charge some, the ERA amendment wouldn't be needed. At the very least, state laws designed to protect women would almost certainly be preempted.

Another section of the bill would decriminalize marijuana, and, in certain instances, lower the penalties for trafficking. As one analysis puts it:

"Specifically, S. 1722 provides that the possession of 30 grams or less of marijuana shall be considered an 'infraction'—a new criminal classification which rates below a 'misdemeanor'; that no one shall be arrested for such an 'infraction,' no matter how many times he repeats the offense, but shall, instead, be issued a summons; and that the maximum penalty for a first offense shall be a \$100 fine and for the third offense a \$500 fine. For all practical purposes, this constitutes decriminalization."

Yet another section would repeal the "loansharking" provisions which allow the FBI to investigate the gangland slaying of a recalcitrant debtor.

In all, S. 1722 suffers from over a hundred major deficiencies, spanning 70 sections.

Some of these deficiencies are simply drafting errors, such as the section making it unlawful to pay witness fees to expert witnesses. These reflect insufficient skill and care in the preparation of the bill. One congressional staffer, inquiring into one of these deficiencies, was shocked to be told by the committee: "We just threw that section in at the last minute."

More troublesome than the drafting errors, however, is the attempt to infuse the code with liberal policy, particularly regarding business.

For example, the Justice Department has admitted in its memorandum to the House Subcommittee on Criminal Justice that the "endangerment" provisions of the proposed criminal code are intended to impose far more "serious criminal penalties" upon businessmen in violation of health and environmental regulations.

As the memo said, "An important area in which the Department will increase its activity in the future is the regulatory crimes field. Many regulatory offenses may have serious health and safety consequences, such as those in the environmental, mine safety, food and drug, air safety and nuclear areas. . . . When knowing violations of regulatory standards, designed to protect health and safety occur and more serious risks are created, more serious criminal penalties should be available to deter and to punish such dangerous conduct."

With the constant threat of lawsuits, fines, jail and other heavy penalties hanging over every businessman's head already, many view this new provision as just a new club with which the government can threaten corporate management and gratify Kennedy's Naderite constituency.

In addition, S. 1722 would massively expand the power of Washington bureaucrats to harass business. Overreaching agencies such as the Federal Trade Commission could require companies to continue doing business with those who testify against them. The FTC could, for the first time, declare companies "in contempt of the FTC." It could prohibit companies from disposing of their own records, even if it had not yet made



up its mind about bringing charges against those companies. It could demand the prosecution of a witness for misstating her age.

Ironically, the Business Roundtable, a left-of-center organization representing large business, not only approves these changes, but it has actively worked to prevent the rest of the business community from opposing this type of expanding government authority.

But, for all of the lethargy over S 1722, there are some conservative heroes.

Leading the fight to improve the code and remove liberal adornments are Senators Orrin Hatch (R-Utah), Strom Thurmond (R-S.C.), and Alan Simpson (R-Wyo.). Hatch has already attained more than any single senator in removing provisions significantly expanding federal jurisdiction. And, although part of their deal for these concessions was that these three senators cosponsor S 1722, a Hatch aide has indicated that the senator's fight to remove liberal provisions has only begun.

But without a surge of conservative interest, the efforts of conservative senators is almost certainly doomed to failure. ●

#### DRAFTING DAUGHTERS

● Mr. GARN. Mr. President, the President has asked the Congress to reach a decision on whether or not to ask for the registration of women for military service. Implicit in that decision will be a decision on whether or not to actually draft women for such service. My own view is that there is a further decision implicit in these first two: That is, whether or not to send women into combat. These are not easy decisions. Indeed, they are of such difficulty that it is essential that they be fully debated before the representative bodies of the land before they are made.

I have publicly stated that it is premature to be talking about draft registration for anybody. The question of the All-Volunteer Army is still an open one. The argument proceeds on both sides, and we have much to learn yet. But that aside, we have too many options available to us before we reach the point of registering our young people for the draft. We should not be stampeded into actions that do not really address the question of Soviet adventurism in Afghanistan. I will be speaking about some of these options in the near future. Others will share their views about the course of action we ought to take.

Perhaps the most critical issue, at least in terms of public perceptions, is the place of women in the military, in the draft, and in combat. Let me state at the outset that I do not believe that women should be drafted for combat. There may well be a place for women in the military: I am inclined to think that there is. But that place is not in combat. I believe that, setting ideology aside, and avoiding egalitarian rhetoric, that most Americans feel the same way.

For instance, I read a recent column in the Washington Post by Ellen Goodman. Ms. Goodman is an intelligent woman, dedicated to equality of women and men, a supporter of the equal rights amendment, and so on. I sense in her columns that she does retain a realistic outlook on the real differences between men and women, and though she differs

with me on a number of issues, I respect her good sense.

In this column, Ms. Goodman tells us that she does not want her daughter to be drafted. But, she would not want her son to be drafted either, and so she tells us that "when I am asked now about registering women for the draft along with men, I have to nod yes reluctantly."

And yet she wonders: Would she feel the same way if she had a son instead of a daughter. She thinks not. But she is not sure.

Actually, Ms. Goodman is too honest to mislead us. She does not tell us that she would feel the same way. She says that she "cannot believe" that she would feel differently. Actually, she can well believe it, or she would simply say that she would not feel any differently. She does not say that. She says, with a note of hope in her words, that she "cannot believe that I would feel different if my daughter were my son."

There are those, of course, who do not want any draft, who do not want any combat, who do not want any wars, no matter what. For them, the kind of introspection Ms. Goodman has gone through is unnecessary and irrelevant. But those who realize that war is occasionally an unfortunate reality in an untidy world, the kind of thinking she has done is critical. As one who has both daughters and sons, let me say that one does feel differently about them with respect to war. Women and men have different functions, and perhaps never are those different functions as apparent as they are during wartime. Without women, civilization cannot survive, cannot even propagate itself. That is why historically women have never played a major role as warriors. Call it ordained of God, or inherent in our genes, or whatever you like, that is the way it is. Any civilization which ignores that reality has little to recommend it, and will probably not be around long anyway.

So I think, Mr. President, that Ms. Goodman knows, deep inside her, that she would feel different if she had a son. Maybe not very different; The heartache of losing a son in the war must be terrible. But a little different. It is not quite the same thing.

There are other arguments against drafting women into combat, and I shall speak about them at another time. But it is essential, right at the beginning, that we understand ourselves, and the kind of civilization we are. It is not a denial of equal rights to send men into combat and keep women out of it. It is an affirmation of the civilizing role of women, of the fact that they provide the continuity for our society. I think the American people understand this fact, and that they will never approve of drafting women into combat.

Mr. President, Ms. Goodman's column contains some fascinating insights, and is well worth the attention of my colleagues. I ask that it be printed at this point in the Record.

The column follows:

#### DRAFTING DAUGHTERS

BOSTON.—My daughter is 11, and as we watch the evening news, she turns to me

seriously and says, "I don't like the way the world is doing things." Neither do I.

My daughter is 11 years and eight months old, to be precise, and I do not want her to grow up and be drafted. Neither does she.

My daughter is almost 12, and thinks about unkindness and evil, about slaughtered seals and war. I don't want her to grow up and be brutalized by war—as soldier or civilian.

As I read those sentences over, they seem too mild. What I want to say is that I am horrified by the very idea that she could be sent to fight for fossil fuel or fossilized ideas. What I want to say is that I can imagine no justification for war other than self-defense, and I am scared stiff about who has the power to decide what is "defense."

But now, in the last days before President Carter decides whether we will register young people and whether half of those young people will be female, I wonder about something else. Would I feel different if my daughter were my son? Would I be more accepting, less anguished, at the notion of a son drafted, a son at war?

Would I beat the drums and pin the bars and stars on his uniform with pride? Would I look forward to his being toughened up, be proud of his heroism, and accept his risk as a simple fact of life?

I cannot believe it. So, when I am asked now about registering women for the draft along with men, I have to nod yes reluctantly. I don't want anyone registered, anyone drafted, unless it is a genuine crisis. But if there is a draft, this time it can't touch just our sons, like some civilized plague that leaves daughters alone to produce another generation of warriors.

I know that, realistically, we will have to register women along with men anyway because the courts will require it. Women may not have won equal rights yet, but they have "won" equal responsibilities. A male-only draft would surely be challenged and likely ruled unconstitutional.

But at a deeper level, we have to register women along with men because our society requires it. For generations, war has been part of the rage so many men have held against women.

War is in the hard-hat yelling at an equal-rights rally, "Where were you at Iwo Jima?" War is in the man infuriated at the notion of a woman's challenging veterans' preference. War is in the mind of the man who challenges his wife for having had a soft life.

War has often split couples and sexes apart, into lives built on separate realities. It has been part of the grudge of self-sacrifice, the painful gap of understanding and experience between men's and women's lives. It is the stuff of which alienation and novels are written.

But more awesomely, as a male activity, a rite of passage, a test of manhood, war has been gruesomely acceptable. Old men who were warriors have sent younger men to war as if it were their birthright. The women's role until recently was to wave banners and sing slogans, and be in need of protection from the enemy.

We all pretended that war was civilized. War had rules and battlegrounds. War did not touch the finer and nobler things, like women.

This was, of course, never true. The losers, the enemies, the victims, the widows of war were as brutalized as the soldiers. Under duress and in defense, women always fought.

But perhaps, stripped of its maleness and mystery, its audience and cheerleaders, war can be finally dis-illusioned. Without the last trappings of chivalry, it can be seen for what it is: the last deadly resort.

So if we must have draft registration, I would include young women as well as young men. I would include them because they can

do the job. I would include them because all women must gain the status to stop as well as to start wars. I would include them because it has been too easy to send only men.

I would include them because I simply cannot believe that I would feel different if my daughter were my son. ●

#### WATCHING THE ACTION IN ORBIT

● Mr. SCHMITT. Mr. President, for the past 23 years, man has been sending various objects into space. Everything from weather satellites to debris is presently orbiting the Earth. While the U.S. Air Force's North American Air Defense Command has been cataloging these objects, the process is slow, tedious, and somewhat unreliable; that is until now.

We are in the process of building a worldwide network of monitoring stations called GEODSS (ground-based electro-optical deep space surveillance system). GEODSS has the capability to rapidly scan the sky and plot all man-made objects in orbit. Utilizing two powerful 101-cm. telescopes and a smaller 38-cm. telescope, GEODSS takes in rapid succession several separate electronic snapshots of each sector of the sky. A computer compares the pictures and removes the stationary objects; that is, the stars. All that is left are the satellites.

Mr. President, the Congress has authorized five GEODSS stations around the world to provide for complete global coverage. The sites are White Sands, N. Mex.; Taegu, South Korea; Maui, Hawaii; the Indian Ocean area and the Eastern Atlantic regions. Four of the sites are already funded. Last year the Senate Appropriations Committee instructed the Air Force and State Department to quickly decide the last two sites so that funding for the last site can be completed.

The intelligence value of GEODSS cannot be underestimated. In addition, much knowledge about the stars and space can be gained by providing astronomers with access to some of the information from GEODSS.

The March 24 issue of Time magazine contained an article about GEODSS. I ask that the article be printed in the RECORD.

Mr. President, I hope that the Congress provides the funding for the last GEODSS site so that a complete system can be operational as soon as possible.

The article follows:

#### WATCHING THE ACTION IN ORBIT: A NEW EAGLE-EYED SATELLITE-TRACKING NETWORK TAKES SHAPE

Ever since Sputnik was rocketed into space nearly 23 years ago, the heavens have become increasingly crowded. At last count, the U.S. Air Force's North American Air Defense Command, the watchdog of all objects in orbit, listed 4,552 pieces of hardware—ranging in size from a Soviet space station to such bits of space junk as an astronaut's glove, stray cameras, and even nuts and bolts. In the coming years NORAD's job will become still harder. By the mid-1980s, the number of orbital objects may double, making it more difficult to tell what is up, and whether it belongs to friend or foe.

Now M.I.T.'s Lincoln Laboratory, together with researchers elsewhere, has come to the rescue of the overtaxed satellite watchers. Using the latest in silicon-chip wizardry, it is setting up a worldwide network of monitor-

ing stations that should vastly expand NORAD's ability to keep tabs on orbiting objects.

The first station is being built at the White Sands Missile Range in New Mexico. Others will be located near Taegu, South Korea, on the Hawaiian island of Maui, and at sites in the Indian Ocean and the Eastern Atlantic regions. Known as GEODSS (for ground-based electro-optical deep space surveillance), the system will provide almost live-action portraits of distant satellites and permit virtually instantaneous identification of any mysterious intruders in the night sky.

Such near "real time" observations are a giant step forward in satellite tracking. Until now, the U.S. has been relying on standard telescopic techniques using Baker-Nunn cameras, which provide fast, short-exposure pictures of wide swatches of the sky. The optics and the film have been vastly improved over the years, but each film strip must still be chemically processed and tediously analyzed, which can take an hour or more.

GEODSS takes some remarkable short cuts. The installations, which resemble small, domed astronomical observatories, will be equipped with two powerful 101-cm (40-in.) telescopes and a smaller 38-cm (15-in.) auxiliary telescope. As the instruments scan the skies, the images they capture will be focused onto sensitive photo-imaging tubes rather than film. An outgrowth of the military's night-vision devices, these tubes convert even the faintest flickers of light into electronic impulses, which are then fed into computers. There GEODSS performs its real prestidigitization. It separates from the myriad stars in the background any tiny man-made objects passing into the telescope's field of view.

How? GEODSS takes in rapid succession several separate electronic snapshots of each sector of the sky. Because the telescopes are geared to sweep the heavens at a rate that will exactly counter the rotation of the earth, the distant stars appear as sharp pinpoints of light in precisely the same positions in each of the images; if the telescope were fixed, the earth's rotation would cause apparent movement of these stars. But satellites, even those placed in so-called geosynchronous orbits over a fixed point on earth, move against the background stars, however slightly. Thus they change position in successive pictures.

Everything that the computer finds in the same position in each picture is wiped out of the final image, while objects that have moved between exposures are allowed to remain. Thus the stars vanish and only the tiny blurs created by any satellites are left for display on GEODSS's video screens. All this is accomplished in a flash, and the information is relayed by microwaves and satellites to NORAD's master computers at its headquarters deep within Cheyenne Mountain at Colorado Springs, Colo., where the location, size and other characteristics of the object are quickly determined.

The network, scheduled to be completed in 1982, will cost \$62 million. But the Air Force, already hard pressed in its role as orbital traffic cop, figures the price is something of a bargain. Training its eagle eyes on the heavens, GEODSS should be able to spot—and identify—an object as small as a soccer ball 40,000 km (25,000 miles) away. ●

#### WOMEN AND THE DRAFT

● Mr. GARN. Mr. President, in the discussion of women and the draft, there are two arguments raised that relate to the equal rights amendment. I would like to discuss those for just a minute.

The first argument is that the ERA would have no effect on the question of drafting women, because women could

be drafted anyway, without the ERA. Diana Steele of the American Civil Liberties Union, goes so far as to say that any draft that did not include women would be declared unconstitutional by the Federal courts.

It is true, of course, that Congress could order the drafting of women, without an equal rights amendment. We have always had that power, and there was even a time, toward the end of World War II when, faced with manpower shortages, use of that power was contemplated.

But in the present context, it is not at all clear to me that Congress will order the drafting of women. Should the equal rights amendment be ratified, on the other hand, I can see no way in which any draft statute that did not include women could pass constitutional muster. That is equally true, by the way, of any order relating to combat. In other words, with passage of the ERA into our Constitution, women would have to be drafted if men were, and women would have to be sent into combat if men were. I can see no other way in which the absolute language of the ERA could be read.

It is precisely this reasoning, of course, which has kept the ERA from being ratified in the requisite number of States, and which has led to the rescission of ratifications in some of the States which acted in haste, and are now repenting at leisure. Although a few hints were thrown around back in 1972 that the ERA might require the drafting of women, any question of the draft must have seemed very far off. The question of hand-to-hand combat was even further from the minds of the Congressmen who sent the ERA to the States, and the issue was never really treated.

Those supporting the equal rights amendment have complained that the merits of ERA have not been debated, and that it has been defeated in State after State by scare tactics. But I have noticed that whenever this issue is raised, it is the pro-ERA forces who have avoided the debate. Even today, there are attempts to dodge it by opposing any draft, taking a strictly pacifist line, or claiming that the question of registration is separate from the question of drafting, and certainly separate from the question of combat, and that those questions can be handled later.

As to Ms. Steele's comment that the courts would bar any male-only draft under present constitutional constructions, I am inclined to think that she is right, if there were a draft law now in place. But there is not, and before any such law is put into place, there will be a national debate on the issue, and Congress will have provided some legislative history to the courts, some guidance on which way the Nation should be going. My own guess is that the guidance will indicate that drafting women is going in the wrong direction.

The second argument takes precisely the other tack. "Even though you can draft me without the ERA," this argument runs, "it is unfair to do so. At least give me the ERA before you declare me



equal to the task of dying for my country."

This argument has more appeal than the first one, because at the least it poses the question directly. It does not pretend that there is no issue, or that the issue can be finessed by opposition to any military activity. But the argument is no more compelling for that.

The fact is that opponents (and a few proponents) of the ERA have long maintained that there are differences between men and women. There has been some debate about exactly what those differences are, and what deference ought to be paid to them, but my conclusion is that one of the areas of agreement has been that women should not go into war.

The belief that women are a civilizing, culturizing influence on men may be irrational, though I have read some pretty competent studies which indicate otherwise. But irrational or not, it is widely held, and it does have behind it several thousand years of recorded history, during which the man's "job" if you will, was to protect the homefires while it was the woman's "job" to tend them. We have come a long way, but I frankly do not think we have come entirely away from that view, and I question whether we can entirely come away from it without destroying the civilized base on which our society exists.

In other words, my response to this line of argument is: "Don't worry, we won't send you into combat, and lest we have to, we won't pass the equal rights amendment in its present form. There may be a formulation of the ERA which would preserve essential differences, of which the sexual relationship to war is one, that could pass, but the present ERA just involves too much risk to society."

No doubt that answer is not persuasive to the pro-ERA advocate, but I suspect it will be to the people as a whole. At any rate, that is my view. ●

#### SENATE WAS WRONG ON AMBASSADOR WHITE

● Mr. SCHMITT. Mr. President, on March 5, less than 1 month ago, the Senate approved the nomination of Robert E. White as Ambassador to El Salvador by a vote of 71 to 17. I voted against this nomination.

During the debate on the nomination, the senior Senator from North Carolina (Mr. HELMS) argued that Mr. White was not the right man for the challenge facing us in dealing with the political instability in El Salvador. Specifically, the Senator said:

The job in El Salvador requires a man committed to healing political divisions; and nothing could be clearer, Mr. President, than that Mr. White has scornfully written off most of the capable and experienced leaders of El Salvador.

The job in El Salvador requires a man with a realistic grasp of elementary free enterprise economics. Mr. White, in response to questions posed to him by the Senator from North Carolina, clearly demonstrated that he openly supports murky proposals to turn El Salvador's economic system sharply toward socialism.

The job in El Salvador requires a man with political sensitivity to the dangers of Marxism

in Central America. Mr. White is a defender of what he himself called, in a response to my question, "The passionate left" in El Salvador.

Mr. President, these warnings should have been heeded by the Senate last month. Less than a month on the job and Ambassador White has opposed administration efforts to support the ruling government, has accused Salvadoran businessmen of plotting murders and has falsely announced the death of a leftist leader, Juan Chacon.

Saturday's Washington Post and Tuesday's Wall Street Journal carried stories about the activities of Ambassador White. At a time when it is imperative that U.S. policy toward El Salvador and Central America be clear and carefully thought out, Ambassador White has managed to confuse and misrepresent it. There is never any room for irresponsible statements by individuals representing the United States, much less during such a crucial time in the history of El Salvador.

Mr. President, I urge the President to ask Ambassador White to refrain from the irresponsible actions he has already taken or to resign from that very important post. We just cannot afford this type of continued speech. I ask that the Wall Street Journal article be printed in the RECORD.

The article follows:

UNITED STATES SHOCKS BUSINESSMEN IN  
EL SALVADOR BY ACCUSING THEM OF FUND-  
ING VIOLENCE

(By Beth Nissen)

"We knew the U.S. was trying to find someone to blame for the violence in El Salvador," says a member of the business community in the Central American nation, "but in our worst nightmares, we never thought it would point at us."

The remaining members of the once-dominant Salvadoran business community expressed shock at U.S. Ambassador Robert E. White's denunciation of them for their role in the political violence that has killed more than 700 this year. In a speech Friday before the San Salvador American Chamber of Commerce, Mr. White accused the businessmen of financing "hit squads" and killing and torturing opponents of the right.

Mr. White offered a "working hypothesis" that right-wing political groups are responsible for the March 24 assassination of Archbishop Oscar Arnulfo Romero, a popular champion of human rights.

"I'll tell you on good authority that sectors on the left were surprised by the archbishop's death," Mr. White told the assembled businessmen. "They didn't know how to react. If you have a plan to kill someone, you also have a plan to exploit that situation. The left didn't."

With or without such a plan, reaction to the prelate's death was violent. Dozens of people were killed in demonstrations last week, and at least 40 died during an emotional funeral for the archbishop Sunday, when an explosion and gunfire set off a panicked stampede among the 80,000 mourners.

#### VICTIM OF MISINFORMATION

The sources of the explosion and gunfire were undetermined, although both leftist and rightist extremists were blamed. "How can you possibly assign blame for this chaos?" asked Jose Eduardo Palomo, president of the National Association of Private Enterprise, the country's leading business organization. "Mr. White's statements have made me a target for everyone. If anything

happens to me, he's going to be responsible. I will be one more victim of U.S. misinformation."

There has already been one such victim, but a decidedly live one. Mr. White, who has been ambassador in this embattled country for only a few weeks, surprised his business audience by announcing and deploring the death of leftist leader Juan Chacon. Mr. Chacon turned up to hold a news conference only hours later.

Despite the damaging mistake, which the American embassy suggests was a deliberate attempt to embarrass the ambassador and the U.S., the State Department has strongly backed Mr. White's harsh criticism of the Salvadoran business community.

"It's quite clear that the right wing is guilty of some very serious terrorism," a State Department official says. "Do you think the left is going in for great collective suicide? If some members of Mr. White's audience are upset, maybe they are feeling a little guilty."

Members of that audience, reached by telephone yesterday, insisted they are feeling only frightened and betrayed. "We thought the U.S. would defend free enterprise," one coffee grower says. "Now we are made to fear the Yankees as much as the Communists—maybe more, because they are an unexpected enemy."

#### SUPPORT FOR JUNTA

The wealthy elite who once practically owned and ran this tiny, coffee-rich country didn't expect the U.S. to so strongly support the moderate military-civilian junta that took power last October from right-wing President Carlos Humberto Romero.

To the businessmen's dismay, the U.S. approved and supported the junta's recent expropriation of about 60 percent of the country's richest private farms and the nationalization of the banking system. And last week, the Agency for International Development announced that El Salvador will receive \$13 million in U.S. aid. "Next, the U.S. will just send in the Marines to kill anyone in a three-piece suit," a bitter former landowner says.

Mr. White's broad condemnation of Salvadoran businessmen prompted some to defend themselves by admitting the limits of their political involvement. "Of course I have played a role in this tragedy," one wealthy businessman says. "Like many, I paid to have my workers propagandized against the lies of the left, and I gave money I suspected would go for guns. And, yes, I think a few of us paid to have evil men killed. The U.S. can rightly blame us for X and for Y, but not for the whole alphabet."

While leftists in San Salvador expressed hope Mr. White's censure of the oligarchy would, as one put it, "bring the world's scrutiny down on this 'upstanding' class," it didn't lessen the left's hostility to the U.S. Mr. Chacon, the leftist leader, cited Mr. White's erroneous announcement of his death as part of "a campaign of misinformation" to provoke more violence between leftist and rightist groups.

One grieving and weary priest in San Salvador says, "This may be all the left and right agree on: that in trying to mediate, the U.S. is pouring more fuel than water on the fires here." ●

#### SENATOR PACKWOOD'S ANALYSIS OF U.S. MILITARY DEVELOPMENT

● Mr. TOWER. Mr. President, last September my good friend and colleague, Senator BOB PACKWOOD of Oregon, joined me and others in the debate to increase the defense budget. Without Bob Packwood's voice we might well have failed in our efforts to obtain critical funding for defense.

Senator PACKWOOD eloquently and expertly analyzed our deficiencies in foreign and military policy then. He recently has presented another very accurate picture of where and when our policy began to slip.

In a recent speech, he made the point that the Soviet invasion of Afghanistan, which history will record having started in December 1979, actually started in October 1962. That was the year that a resolute and strong United States faced down the Soviet Union over the issue of offensive missiles in Cuba.

But, Mr. President, as Senator PACKWOOD so eloquently pointed out in a speech to the Dorchester Conference of Oregon Republicans, October 1962 also was a year that marked the nadir of Soviet military adventurism, and ever since the Soviet Union has said, "Never again." She had suffered a series of humiliating defeats culminating with the Cuban Missile Crisis, and, as Senator PACKWOOD notes, resolved never again to be second best to the United States in its military power.

In his speech, Senator PACKWOOD utilizes his talent of critical analysis to look at the intervening years from 1962 through the Afghanistan invasion, and to trace the trends of American military reverses and Soviet successes. He concludes that we have allowed ourselves to slip so badly that the United States no longer is considered a credible deterrent to Soviet expansionism. And here, Mr. President, Bob PACKWOOD says "never again."

I believe this speech should be disseminated more widely and that the American people and my colleagues in the Senate should take the time to study the analysis of U.S. military development as postulated by Senator PACKWOOD. For this reason, I ask to have printed in the RECORD the full text of his speech of February 29, 1980.

The remarks follow:

SENATOR BOB PACKWOOD ADDRESSING THE DORCHESTER CONFERENCE, MARCH 1, 1980

History will record that the Russian invasion of Afghanistan took place in December, 1979. It actually started in October of 1962.

It specifically started in the memory of one American, Col. Al Barry, U.S. Marine Corps, retired, now on my staff, at about 9:20 p.m. October 27, 1962.

Al Barry was then a young Marine lieutenant stationed at Cherry Point, North Carolina. He had just returned home to be greeted by his wife, then four months pregnant with her first child. Barely five minutes after arriving home, there was a knock at the door. He answered and was handed orders to report by 6:00 a.m. the following morning to Camp Le Jeune, Jacksonville, North Carolina, about 50 miles from Cherry Point.

Lt. Barry reported at 6:00 a.m. By 8:00 a.m. he was boarding a troop ship. When at sea, the commanding officer of the troops aboard the ship relayed the orders from President Kennedy—prepare for the amphibious invasion of Cuba.

The 82nd Airborne Division was gathered at Fort Bragg, North Carolina, and the 101st Airborne at Fort Campbell, Kentucky, preparing to board planes to parachute onto the island. The Second Marine Division and the Second Marine Air Wing were massed. Guantanamo Bay was reinforced with elements of the First Marine Division. Other

Marines were brought from Camp Pendleton through the Panama Canal and stationed in Florida. All together, 80 to 100,000 United States troops prepared for the combined air and sea assault.

On shore, 30,000 Russian combat troops deployed on the beaches. Several thousand more set up artillery stations on the hills overlooking Guantanamo Bay. All was in readiness for what has become known in history as the Cuban missile crisis.

What was not commonly known then but has become known recently, is that President John F. Kennedy was as much disturbed by the 30,000 Russian combat troops on Cuba as he was by the deployment of their missiles.

With the blockade at sea effective, President Kennedy let Premier Khrushchev know in no uncertain terms that we had a clear preponderance of conventional power and we were prepared to use it. The tension mounted—a few days passed—and Russia backed down. The troops were removed and the missiles dismantled.

From that day onward, however, Russia said, "never again." She had already suffered a series of humiliating defeats.

The Berlin airlift, where in 1948 thousands of American cargo planes flew into Tempelhof Airport to supply everything needed for the free city of Berlin, despite the Russian blockade of truck traffic on the road. Because of the overwhelming numbers and preponderance of the American planes, the blockade was broken.

Korea in 1950—when the Soviets and their North Korean allies hoped to overwhelm South Korea before the United Nations and the United States would act. To Russia's everlasting embarrassment, we did act and today, South Korea still maintains the right of self-determination and has become one of the industrial giants of the Earth.

Sputnik, in 1957, whereby Russia tried to give the world the impression that they had leap-frogged the United States in technology only to discover that Sputnik had so aroused the American people that we leap-frogged the Russians and sent mankind's spirit soaring into space while they remained essentially earthbound.

Cuba in 1962 was the last straw. Premier Khrushchev, already in trouble with his military advisors, was told that never again was Russia going to be humiliated by a lack of conventional military power—no longer was Russia going to be inferior to the United States in ships, in tanks, in tactical aircraft. From 1962 onward, Russia resolved to reverse the imbalance.

From 1962 onward, the Soviet clarity of purpose, together with its growing military preponderance enabled it to place the United States on the defensive.

Vietnam muddled our purpose and weakened our military. Taking advantage of this, the Russians brutally reimposed their will by military force in Czechoslovakia in 1968.

By 1975, a dispirited United States was beaten in Vietnam and subsequently, in Laos and Cambodia.

In 1975, Angola also went.

In 1977, Ethiopia.

In 1978, South Yemen.

And in 1979, Afghanistan.

During the late 1960's and through the mid-1970's, despite the fact that the Soviet Union was increasing its defense budget the United States was cutting its military budget. Because of the changing relationship of the two powers in conventional weaponry, and because Vietnam had caused such a pall over the foreign policy resolve of America, the Soviet Union felt free to send tentacles of aggression through the world without fearing United States opposition.

Let me now shift to some personal experiences which have shaped my thinking in the 12 years that I have been in the United States Senate.

I, of course, came into the Senate at the

same time that Richard Nixon became President. One of the major issues that the Senate soon faced, and as a brand new senator I faced, was the anti-ballistic missile system—the ABM. It became the focal point for unleashing all of the passions, pro and con, that existed in this country about the Vietnam war. The merits or demerits of the ABM were almost lost in the rhetoric. Strong voices were raised to say that Russia would never think of launching a missile attack on the United States and, therefore, we didn't need the ABM. Russia could be trusted, they said.

After months of debate on the ABM, the time for voting arrived. Prior to the vote, however, the Senate agreed that it would have a 6-hour closed session—a closed session meant no members of the press, no public in the gallery, no stenographic reporters—nobody but Senators. 99 Senators were in attendance for the entire 6-hour debate.

The first speaker, speaking against the ABM was Senator Stuart Symington of Missouri—a life-long member of the Armed Services Committee—an expert in weaponry and missilery—a person as fully informed about the ABM as any could be. He spoke for an hour without notes. His arguments were sharp and logical. He used secret information and charts from the Pentagon to prove that we did not need the anti-ballistic missile system. When he sat down, I thought to myself, "that's it. There's not going to be any ABM. Nobody could rebut that."

Then the principal proponent of the ABM arose for his allotted hour, Senator Henry Jackson of Washington, a life-long member of the Armed Services Committee—an expert in weaponry and missilery—a person as fully informed about the ABM as any could be. Senator Jackson spoke for an hour without notes. He was lucid, forceful, dynamic. He used secrets from the Pentagon. As a matter of fact, he started with the last chart that Senator Symington had used and said, "My fellow Senators, let me take you just a few charts beyond where my distinguished colleague from Missouri, Senator Symington, has left off." At the end of the hour, I thought to myself, "that's it. We are going to have an ABM. Nobody could rebut that argument."

Then Symington and Jackson asked questions of each other. Each knew the answer to the question they were asking. They were like two great fencers, parrying and thrusting back and forth, trying to put the other on the defensive, in the hopes of convincing the 5 or 10 votes in the Senate yet undecided on this issue.

At the end of the hour of questions and answers between them, it fell to the rest of the Senate to ask questions if they chose.

William Fulbright, then chairman of the Foreign Relations Committee, rose and said:

FULBRIGHT: Will my distinguished colleague from Washington yield to a question? JACKSON: Yes.

FULBRIGHT: I don't know if my distinguished colleague has had a chance yet to digest the remarks that the Russian Foreign Minister, Mr. Gromyko, made

In Warsaw last week, when Foreign Minister Gromyko said that Russia wanted to reach a new era of detente—a new era of cordiality and friendship with the United States. Doesn't the senator from Washington think that before we rush pell-mell into this unproven missile system, we should give just some little credibility to the words of the Russian Foreign Minister, Mr. Gromyko?

Senator Jackson shot back as if it had been a planted question. He extended his arm, pointed it toward Fulbright and said:

JACKSON: Let me call to memory for the senator from Arkansas.

And then Senator Jackson paused and looked gradually around the entire senate:

JACKSON: And to the others of you who were not here that morning in October of 1962, when President John F. Kennedy



called Andrei Gromyko, then Russian Ambassador to the United States, into his office and asked.

KENNEDY. Did the Russians have any missiles or troops in Cuba?

GROMYKO. No.

KENNEDY. Had the Russians transported any missiles into Cuba that were perhaps being manned by other countries?

GROMYKO. No.

KENNEDY. Had any third party countries transported missiles into Cuba that might be manned by the Russians in Cuba?

GROMYKO. No.

JACKSON. The President asked the question a dozen different ways. On every occasion Gromyko answered no.

JACKSON. Then President Kennedy opened the drawer of his desk and took out the pictures taken from the U-2, showing the Russian missiles, showing the Russian troops manning the missiles—pictures so clear that you could see the chevrons on the sleeves of their uniforms.

When Andrei Gromyko left the White House, he left an acknowledged liar. Now—if the Senator from Arkansas wants to rest the security of this country in the credibility of Andrei Gromyko, that's his business. I would not ask a single Senator to trust the protection and survivability of

the United States to the integrity and honesty of Andrei Gromyko.

Fulbright sat down, and asked not another question during the afternoon. At the end of the debate, the vote on the ABM was 50 to 49—it passed. The answer to that one question was the difference. That answer said, Russia could not be trusted in Cuba in 1962. They cannot be trusted now.

Slip forward now to January of 1973. A dinner party at the home of Paul Berger, a Washington attorney and close friend of mine from law school. The only people in attendance were the Bergers, the Packwoods, Justice William O. Douglas and his wife, and soon-to-be-leaving Ambassador Yitzak Rabin of Israel and his wife.

Rabin had been the hero of the six-day war in Israel in 1967. Although a career military man, he was shortly thereafter appointed Ambassador to the United States. He served with distinction for over four years and was then returning to Israel. He would subsequently become Prime Minister.

During the dinner party, Ambassador Rabin and Justice Douglas got into a discussion about American involvement in Vietnam. Justice Douglas opined that the United States had no interest in Vietnam and should not have been there and that in addition the war was immoral. Ambassador Rabin

replied that after almost 25 years in the military, he agreed that war was immoral. He had seen too much of it in his lifetime to ever want to see it again.

He also agreed that the United States had no interest in Vietnam. It mattered not to our vital national interests what happened in that area, but then he added:

RABIN: America should never make a commitment that is not in the national interests of the United States. But having made a commitment that others rely on—if you want to maintain your credibility—fulfill that obligation, even if it no longer serves your immediate national interests. In the long run, others willing to rely on your promise is the more important national interest.

DOUGLAS. Mr. Ambassador, you are apparently not familiar with the advice given to poker players that you should not throw good money after bad.

RABIN. Mr. Justice Douglas, that advice presumes you're never going to play another hand.

Now, before proceeding further with this speech, I want you to fully understand how much we spend for defense and its relation to other government spending. Look at the sheets before you which show the comparative military and human resource spending of the United States for the last 25 years.

#### BUDGET OUTLAYS IN CONSTANT 1979 DOLLARS, FISCAL YEARS 1955-80

[Prepared by Congressional Research Service, Feb. 1, 1980]

[Amounts in billions of dollars]

Fiscal years	National defense		Human resources		Net interest		Other		Total
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	
1955	108.0	58.1	39.6	21.2	13.0	7.1	25.2	13.5	185.8
1956	104.5	56.4	41.5	22.3	13.3	7.2	26.0	14.1	185.3
1957	108.0	55.3	45.0	23.1	13.6	7.0	28.8	14.7	195.3
1958	109.6	52.9	54.5	26.3	14.1	6.8	28.8	13.9	206.7
1959	112.6	49.9	59.4	26.3	14.1	6.2	39.6	17.5	225.7
1960	108.8	49.0	61.6	27.7	16.8	7.5	35.3	15.8	222.2
1961	111.2	47.7	69.5	29.8	16.0	6.9	36.6	15.7	233.6
1962	115.0	45.9	72.2	28.8	16.0	6.4	47.2	18.9	250.4
1963	115.8	45.0	75.2	29.2	17.9	6.9	48.3	18.8	257.2
1964	117.2	43.5	77.6	28.8	18.7	6.9	56.2	20.8	269.9
1965	105.5	40.1	78.7	29.9	19.0	7.2	60.2	22.8	263.7
1966	118.3	40.7	80.1	31.1	20.1	7.0	61.6	21.2	290.3
1967	143.0	43.1	106.6	32.2	21.4	6.5	60.2	18.2	331.3
1968	157.9	44.0	116.1	32.4	22.2	6.2	62.4	17.4	358.4
1969	151.4	43.0	122.6	34.8	24.1	6.9	53.7	15.3	352.1
1970	142.2	40.0	132.9	37.4	26.0	7.3	54.8	15.4	355.9
1971	130.5	35.9	154.6	42.5	25.5	7.0	53.4	14.7	364.4
1972	126.7	33.0	173.1	45.1	25.5	6.7	58.6	15.2	383.9
1973	116.7	30.2	182.3	47.2	27.1	7.0	60.4	15.6	386.3
1974	111.0	28.8	188.6	49.0	30.7	8.0	54.5	14.2	384.4
1975	111.2	26.2	219.5	51.7	30.1	7.1	63.2	14.9	424.3
1976	110.7	24.4	245.0	54.1	33.1	7.3	64.6	14.2	453.3
1977	113.9	24.2	252.0	53.6	35.0	7.4	69.7	14.8	470.4
1978	115.7	23.3	258.9	52.2	38.9	7.8	82.4	16.6	495.9
1979	117.7	23.8	259.4	52.5	42.6	8.6	74.6	15.1	493.7
1980	117.3	23.1	263.9	52.0	46.6	9.2	79.4	15.7	507.2

Source: Budget of the U.S. Government for 1981; January 1980 edition.

Military spending has barely increased. What has increased has been our human resource spending. I'm not here to argue whether that is right or wrong. I'm simply here to put an end to the myth that human resource spending has suffered at the expense of the military. What has happened is the opposite. Military spending has remained practically static and human resource spending has dramatically increased.

Next, look at the chart that shows how much Russia and the United States spend on the military.

#### TREND OF UNITED STATES VERSUS U.S.S.R. DEFENSE EXPENDITURES (Constant 1978 dollars (billions))

	United States	U.S.S.R. (range) <sup>1</sup>
1962	122.2	89
1963	124.4	92
1964	123.2	94
1965	112.4	96
1966	123.8	99
1967	145.3	104
1968	158.3	98-129

	United States	U.S.S.R. (range) <sup>1</sup>
1969	153.5	102-132
1970	141.2	103-133
1971	128.6	107-135
1972	119.9	109-137
1973	109.8	113-114
1974	107.0	121-146
1975	105.0	122-150
1976	100.9	126-154
1977	104.6	130-158
1978	110.1	133-155

<sup>1</sup> Source: CIA, congressional liaison.

<sup>2</sup> Pre-1968 figures have a probable error of  $\pm 10$  percent.

Source: Department of Defense comptroller.

Russia spends substantially more. From a position of vast superiority in conventional weapons during the '60's and early '70's, the United States has passed to a present position of vast military inferiority in conventional weapons.

#### Ships

United States	460
Russia	1,750

#### Tactical aircraft

United States	3,550
Russia	6,950

#### Artillery

United States	2,700
Russia	20,000

#### Armored personnel carriers and similar vehicles

United States	22,000
Russia	55,000

#### Tanks

United States	11,000
Russia	50,000

In January, 1979, after patiently waiting my turn, I finally became a member of the Senate Budget Committee. This put me on the committee that has the first crack at determining how much we spend on defense.

Even prior to going on the committee, it had become patently clear to me how dangerously slim our military position was in this world.

One could argue whether or not the United States or Russia had a superiority in strategic weapons, i.e., missiles. Certainly one

could argue that each country had enough missiles to blow up the other country many times over. That argument begged the question, however. It was not missiles that were used in Angola, or Ethiopia, or Afghanistan. It was tanks and trucks. And in Afghanistan, doubly ironically trucks manufactured at a plant built by American experts.

Nothing could have more brutally brought home the fact of our conventional inferiority than the so-called Cuban troop crisis in the summer of 1979. The Russians had 3,000 combat troops in Cuba. Bear in mind, in 1962 they had 30,000.

Last summer, for the second time, an American President said the Soviet build-up in Cuba was unacceptable. But the Soviets had not been idle since their Cuban retreat in 1962. They said "never again" and meant it. Unfortunately, in 1979, our President did not have the arsenal to play out his hand. This time the Russian troops stayed.

Many of us thought in the face of this grave embarrassment, the President would now be prepared to join us in our efforts to restore our Nation's military preparedness.

Last September 8th, before Iran and Afghanistan, together with Senator JACKSON, Senator NUNN of Georgia, Senator Tower of Texas and Senator HOLLINGS of South Carolina, I sent a telegram to the President, begging the President to support us in an effort to increase the military budget 3 percent above the rate of inflation for the fiscal year we're now in and 5 percent above the rate of inflation for the succeeding two years. We were convinced that this country needed a crash program to rebuild its conventional military forces.

The telegram read as follows:

DEAR MR. PRESIDENT: An immediate and pressing concern is the disposition in the Senate of the second concurrent budget resolution which must be enacted before September 15, 1979. We, who serve as members of the Budget and Armed Services Committees, are agreed that, at a minimum, 3 percent growth in fiscal year 1980 is needed and 5 percent real growth in the National Defense Function is required for the fiscal years 1981-1982. We are writing to you to ask that you meet with us on an urgent basis to consider a joint effort by which we, working together, can persuade the Congress to approve such a measure. We recognize the near futility of proposing such an amendment in the face of administration indifference; but we are certain that together we can prevail.

We look forward to hearing from you and meeting with you.

We knew that when the President realized our resolve to try to rebuild the military in this country, he was bound to support us.

Two days after we sent this telegram, we went to the White House for a meeting to hear the President's answer.

The meeting was the coldest, most humorless, straight-forward meeting I have ever attended in or out of the White House. It left an indelible and unforgettable impression that I shall never forget.

There was not the usual back slapping when we entered the cabinet room. None of the banter such as how was your campaign coming, or good job on the Senate floor the other day, or congratulations Mr. President on your speech, or anything like that. The five senators filed in and sat down on one side of the cabinet table. On the other side were the President, Vice President, National Security Advisor Brzezinski and Secretary of Defense Harold Brown. The meeting quickly got down to business. We argued that we were not spending enough on defense and that we were lagging behind the Russians badly. The President responded that he thought his budget requests were enough. This back and forth argument continued for six or seven minutes. Then Senator Sam

Nunn, of Georgia, who will soon inherit the mantle of both Senator Jackson and Senator Stennis as the military expert in the Senate, addressed himself to Secretary of Defense Brown. Someone in the Pentagon had leaked to Sam Nunn a report prepared by Secretary Brown, setting forth what Brown thought were the minimum defense needs for this country in 1985. Sam Nunn asked the following question:

NUNN. Isn't it true Mr. Secretary that the report just completed for you stating what our defense needs are in 1985 cannot be met by the defense budget that you are asking from Congress?

After some hemming and hawing the Defense Secretary admitted that was true.

Then Sam Nunn turned and looked directly at the President. They were sitting across the table, not four feet from each other. They had both been in the Georgia State Senate together. They are close acquaintances. I do not know if they are close friends. I do not know what the President thinks of Senator Sam Nunn. I know what Sam Nunn thinks of the President. Sam said:

NUNN. Mr. President, you have only one of two choices, either you support us in our efforts to raise the Defense Budget sufficiently to meet the needs you say are necessary for this country, or you should go before this country and admit that you do not intend to fund even the minimum defense needs you say are vital to protect our interests.

There were six to seven seconds of the quietest silence I have ever heard. Then the President responded:

PRESIDENT. Sam, you don't understand. It's not my fault. When I became President there was no decision on the MX, the cruise missile hadn't even gotten off the drawing boards, I'm the one who has started to redress our military imbalance. The tremendous cuts in the military budgets came under Nixon and Ford, Sam, the tremendous cuts were made by the Republicans.

Sam Nunn looked at the President incredulously and then he said:

NUNN. Mr. President, you don't seem to understand. If we go to war, we're not going to war with the Republicans.

That was the end of the meeting. We filed out as silently as we filed in. The President had refused to support us.

In November, 1979, we had Iran.

In December, 1979, Afghanistan.

In January, 1980, shortly after the Afghanistan invasion, President Carter made that incredible comment when being interviewed by Frank Reynolds of ABC that he had learned more about the Russians in the last ten days than in the first three years of his presidency.

I thought to myself, what a discouraging comment. We have a President either hopelessly naive, or surrounded by advisors who are hopelessly incompetent or blind to reality or both.

On January 23, 1980, in his State of the Union message, the President said, if necessary, we will use military force in the Persian Gulf to protect our interest.

On January 25, two days after the state of the Union message, a headline in the Washington Star says, "Oil States Resist U.S. Protection." I thought to myself, they don't want us, they don't trust us, they can't rely on our stamina. And then without having thought about the statement for a number of years, I recalled as vividly as the night it was made, that statement of Ambassador Rabin's at the 1973 dinner party:

"... having made a commitment that others rely on, if you want to maintain your credibility, fulfill that obligation, even if it no longer serves your immediate national interest. In the long run, others willing to rely on your promise is the more important national interest."

That's what it has come to. Simply and bluntly put, the United States is no longer believed to be a credible deterrent.

Our weakness was highlighted again only a few weeks ago when Secretary of Defense Harold Brown in his annual report said:

"As I have emphasized before, Soviet military spending has steadily risen independently of whether the U.S. defense budget has gone up or down."

"In 1979, the Soviet military effort was about 50 percent larger than our own."

"If we do not respond over the coming years to the sustained Soviet defense increase by increasing our own, we will condemn the United States to an inferior military position."

Ladies and gentlemen, Russia said in 1962, "never again." It is now 1980, and I tell you, it is time for America to say, "never again."

We have given the Russians every chance to join us in seeking peace.

During the '70's we cut military spending: Russia increased theirs.

During the '70's, we exercised military restraint: Russia practiced military aggression.

The time for second best and silver medals is over. If Russia wants to continue this competition, America has just shown we can win the gold. We have the productive capacity, the industrial base, and most important of all, the will to leave Russia behind.

George Washington, in his farewell address to Congress in 1790 said it as well as it can be said: "A nation that wants peace must be prepared for war."

No nation has ever risked so much for peace—or fought so hard for freedom—as America.

So in this year—1980—let us say to the world, we are going to rebuild our military so that it will be second to none.

We will have a foreign policy and a military preparedness that our allies will trust, our enemies will respect and our people will support.

When we have done that, we will again achieve the preeminent position in the world necessary to protect our freedom.

Despite that preponderance of power, we will not seek to impose our system on others. We shall, however, against all odds, prevail, and if necessary—to prevail—we will fight. And if we fight—without question—we will win. ●

## SALT—OR HOW THE BEAR CAUGHT THE BIRD

● Mr. GARN. Mr. President, although the immediate issue of SALT II has been placed on the back burner for the present time, my colleagues might find some amusement, disconcerting as it may be, in a witty pamphlet entitled, "SALT—Or How the Bear Caught the Bird." The author is Mr. William K. Stoos of Iowa. He is indeed a creative individual, and I appreciated receiving a copy of his publication.

Mr. President, I ask that the pamphlet by Mr. Stoos be printed in the RECORD.

The pamphlet follows:

SALT . . . OR HOW THE BEAR CAUGHT THE BIRD

(By William K. Stoos)

Of all the woodland creatures  
None in power could compare  
To the proud and soaring eagle  
And the mighty Russian bear.  
For the eagle with his talons strong  
And quickness of his flight.



Was perceived as high and mighty  
And the champion of the right.  
Yet on the forest floor below  
No beast could e'er compare  
In size and strength and fierceness  
To that surly Russian bear.  
Though he be slow and plodding  
[And seldom walks upright]  
He was without exception  
Unmatched in pow'r and might.

Though the bear the stronger be  
It wasn't always so;  
Once had the eagle mastery  
O'er all that lay below  
He vowed where any animal  
Had the will to be.  
It was his natural given right  
To roam the forest free.  
Because he felt so strongly that  
All creatures are born free  
He flew above the forest  
To insure their liberty.

For it was known throughout the land,  
Of the boorish bear,  
That in a glance, if giv'n the chance  
He'd venture from his lair  
And roam about the forest to  
Enslave the creatures there.  
For, you see, that woolly bear  
Had been taught since birth,  
That it was his legacy  
To rule o'er all the earth;  
And that the natural order  
For animals of the wood  
Was total subjugation  
Unto the common good;  
And no creature of the woodland  
Should dare be free and great  
For glory be in equality  
And obedience to the state.

Now the eagle's view was different,  
And therein lies the rub  
For he was soaring high and free  
When the bear was still a cub.  
And he believed that destiny  
Is not controlled at birth,  
And all creatures have the freedom  
To realize their worth.

Thus each of the two had his own view  
Of the world as it should be:  
The bear would make all servants  
And the bird would make all free  
But the bear would seldom venture  
When the eagle made his flight,  
And reserved his mal-adventure  
For the sinister cloak of night.  
But even though the eagle kept  
His vigil in the air,  
He could not stop completely  
The tyranny of the bear.  
For some throughout the forest  
Believed him earnestly  
When he voiced his chorus  
For world equality  
(Though no creature dare presume himself  
As equal, quite, as he.)  
But tho the bear made inroads  
With his ideology,  
Most of God's wild creatures  
Lived like the eagle free.  
Then had the eagle mastery,  
And he would have it still  
But for the day his reason fled  
And he lost his soaring will.  
Once high above a rocky crag,  
The eagle looked below;  
His eagle eye was blurry and  
His wings were bending low.  
"I wonder," said the eagle as  
He rode upon the air,  
"Why is it that I make these flights  
When no one seems to care?  
Why is it that I beat my wings  
And watch out constantly,  
Why do I keep my talons strong  
That others may be free?  
For daily grows the tyranny  
Of the Russian bear

Yet the creatures are complacent,  
And no one seems to care.  
It would be far less burdensome  
To stay inside my nest,  
These flights are far too tiring;  
Why should I protect the rest?"

Now sensed the woolly mammal that  
The eagle's will was weak  
And on silent paws he ventured to  
The foot of Eagle's Peak.  
He knew that while the eagle  
Was a challenge still,  
He was but a lowly bird  
Without his soaring will.  
"Brother eagle," roared the Russian bear,  
"It's useless don't you see,  
For the two of us to long for  
Superiority.  
For neither can prevail  
And so I must insist,  
Why bear your hard travail,  
Can we just co-exist?"  
"Agreed," replied the eagle,  
Who appeared to be quite glad,  
"Number one is much too tiring,  
But equal's not so bad."

"To solemnize our treaty  
And toast to your good health,  
I give to you," the bear announced,  
"A vault of mineral wealth.  
It's a substance that's so precious,  
It's sought the world through.  
This silv'ry seed is guaranteed  
To cure what ails you!"  
And with that invocation  
He opened up the vault  
Revealing to the eagle  
A precious mound of SALT.  
"I thank you," said the eagle  
As he hoisted up the box,  
He held it on his tail  
And flew up into the rocks.  
"My pleasure," roared the mammal  
With an evil, crafty smile,  
What force could never conquer  
Had been simply won by guile.

(Now the bear had known it all too well  
What the eagle could not see;  
That mound of silv'ry mineral  
Had the strangest property.  
SALT makes the vision blurry  
And dulls the sense of smell,  
It suppresses all the worry  
And makes one feel too well.  
It makes one feel complacent  
And happy with his lot,  
Unwary of a nascent,  
Inauspicious plot.  
What marks its blind consumption,  
By far most tragically,  
Is the feeling in the user  
Of false security.)

So for many years the eagle sat  
In a state of ignorant bliss,  
Lulled into inaction  
By the mineral's pungent kiss.  
His talons had grown duller  
And his wings were seldom used,  
His eagle-eye was cloudy  
And his purpose now confused.  
And the bear's domain grew larger  
But no one took exception,  
As the eagle now engaged in  
Destructive self-deception.  
"All's well now with the world,"  
Said the eagle assuredly,  
"For now we have a treaty,  
Against hegemony!"  
And seven years had come and gone  
Since the bird first tasted SALT.  
When at the foot of Eagle's Peak  
Stood the bear with a second vault.  
"Brother eagle," growled the wily bear,  
"I'd like to treat with you,  
Fly down now from your aerie,  
Today I've brought SALT, too!"  
"Agreed," replied the eagle meek,  
"I'll talk to you once more,"

And he climbed down from the lofty peak  
From which he once did soar.  
"We have here," said the Russian bear,  
"An urgent situation,  
For tension fills the woodland air  
With awful consternation.  
So let's curb our power equally,  
For equal is our fault;  
As a token of sincerity  
I give to you this vault."  
[Now the eagle with his senses dulled  
Did not appear to see  
How equal limitation can  
Mean inequality.  
For where one with greater power  
Reduces equally,  
It's plain that he will yet retain  
Superiority!]  
"Agreed," replied the eagle  
In a tone of great elation,  
"We insure the good of all the wood  
When we seek limitation!"

[But the terms did not concern him,  
And it was not his fault;  
He was swayed by his desire  
For the precious mound of SALT.]

"Can you indulge me?" asked the eagle,  
"For I fear that I'm too frail,  
Would you kindly lift the box  
And place it on my tail?"  
But the eagle learned that moment  
That the mineral sometimes stings,  
For in a flash, with a mighty slash,  
The bear had clipped his wings!  
"Now we're truly equal!"  
Cried the Russian bear with glee,  
"For you are bound to roam the ground,  
Flightless just like me!"

And now the eagle never flies,  
Above the forest floor  
And like the other creatures  
He cowers at the roar  
Of the wily Russian bear  
Who tamed his will to soar.

Now the moral of this fable  
Is plain for all to see:  
He who forsakes greatness  
And craves security  
Makes himself the subject  
Of another's mastery.

And so I close this bit of prose  
With an ancient borrowed verse,  
Penned by an unknown writer  
Whose eloquence is terse.  
In the logic of his plan  
The bear could never fail:  
For he who wants to catch the bird,  
Puts SALT upon its tail! ●

#### JESSE OWENS: AN AMERICAN HERO

● Mr. PERCY. Mr. President, we are all deeply saddened at the passing of Jesse Owens, one of the few individuals of our time who truly deserves the title American Hero.

Jesse Owens was a man of character, courage, and compassion, as well as one of our greatest athletes. Throughout his lifetime, he exemplified personal qualities that inspire honor and respect.

As a gold-medal winner in the 1936 Olympics, Jesse Owens captured the attention of the world. He showed that ability and determination are the real qualifications for success.

For many years Jesse Owens lived and worked in Chicago. He was especially active in work with young people. This is perhaps his greatest legacy. To untold numbers of youngsters, he provided inspiration and encouragement. I talked to him on the telephone at his Arizona home just a few weeks ago.

Jesse Owens was one of the most outstanding citizens of Illinois and America of our entire lifetimes. We honor his memory and extend our condolences to his family.

I ask that articles on Jesse Owens' outstanding career from the Washington Post, Chicago Tribune, and Chicago Sun-Times be printed in the RECORD.

The articles follow:

[From the Washington Post, Apr. 1, 1980]

#### JESSE OWENS

Jesse Owens was, without any doubt, one of the greatest athletes of modern times. His feats at Ohio State University (four world records on one May afternoon) and at the 1936 Olympic Games (four gold medals) took him to the pinnacle of athletic success. But, in a curious twist of history, the fame of Jesse Owens came finally to rest on something he never seemed fully to understand: the relationship of sports to international politics.

Mr. Owens was most widely known as the black American who frustrated Adolf Hitler's dream of using the 1936 Olympics to demonstrate "Aryan superiority." That is a perception of the events in Berlin that summer sharpened considerably by hindsight. As Mr. Owens said, "I wasn't running against Hitler. I was running against the world." If the contemporaneous press accounts of his feats are any guide, few athletes or other associated with the Olympics that year wholly grasped the political turn Hitler had given to international sports competition.

What Mr. Owens did realize when he came home that fall was, as he later put it, that "I still couldn't ride in the front of the bus." There was no White House reception honoring his accomplishments, and there were no lucrative advertising endorsements. He made a considerable amount of money in the next year by tap dancing with Bill (Bojangles) Robinson, running against a horse in Cuba and doing other things that today's Olympic champions would find beneath their dignity.

He worked hard for the next 30 years to survive—leading an orchestra, running a small business, working for local governments and helping young people when he could. It was not until the last decade of his life that he reappeared as a full-fledged national hero. This status was strengthened by the recognition—when the Olympics returned to Germany in 1972—that there had been something special about those games in Berlin 36 years before.

That special quality—the link between international politics and sports—was de-spised by Mr. Owens, and most other world-class athletes seem to feel that way. They want to be free to compete against each other without regard to nationality, race or political view. That's why many of them (Mr. Owens included) have opposed an American boycott of this summer's Moscow Olympics.

It is sad and ironic that the name of Jesse Owens has become so bound up with events that demonstrated the political ramifications of international sport. We prefer to remember him as the man who set 11 world records in track and field events—one of them to stand for 45 years—and who then spent the rest of his life trying to help young people lift themselves, as he had done, from humble beginnings to glory.

[From the Washington Post, Apr. 1, 1980]

#### OWENS FEAT AN EYESORE FOR HITLER

(By Shirley Povich)

In the summer of 1936, Nazi Germany was swept up in a sports culture high. The hooked cross of Hitler's Nazis, the swastika, was flying everywhere, with Berlin the host

city for the Olympic Games. The storm troopers, in their severe black uniforms, were goose-stepping a little higher on the Berlin streets and in the stadium, perhaps to impress the 5,000 visiting athletes, perhaps to catch the Fuhrer's eye.

Pumped way up in fact, was Hitler's trumpeted theory of a German master race. Only two months before, in Madison Square Garden, Max Schmeling, an Aryan and good, loyal, Deutschlender, had knocked out Joe Louis in 12 rounds. They flew him back on the Hindenburg and aired blow-by-blow recordings of the fight for weeks.

To signal the beginning of the Games, a sinewy blond German youth, his hair bordering on platinum, loped into the stadium with torch to light the Olympic flame. Here was a hand-picked symbol of Aryan or German supremacy.

Into this scene loped another young man, black. He was the son of an Alabama cotton picker, and picked cotton himself as a boy. Within a week, Jesse Owens consigned Hitler's master race theory to the Berlin city dump, drove the Fuhrer himself slinking out of the Olympic stadium in deep dismay, and gave the world its most magnificent week in sports history.

Jesse Owens won the 100 meters, the 200 meters and the broad jump and gave the United States' 400-meter relay team a big 15-meter lead with his leadoff leg. He broke three world records and added a new Olympic record.

He died yesterday of lung cancer, at 66. Let's say this about Jesse Owens: He wouldn't have lost that final contest if they had put a tape across the finish line.

Jesse Owens' fame may best be told, perhaps, by the old word-association game: mention baseball, and, quick, you get Babe Ruth. Boxing? Dempsey, of course. Golf, it'll be Jones or Hagen. Tennis, Tilden. Horse racing, Man o'War. Football, Grange. Olympics—it is knee-jerk—it has to be Jesse Owens when the call is for instant recall.

The story that Hitler snubbed him after Owens won the 100 meters in record time on the opening day is true. Earlier in the day, the jubilant Fuhrer summoned two Germans who finished one-two in the shot put to his ceremonial box for a special congratulations. But when Owens won the 100 meters, Hitler suddenly decided he would not make a habit of publicly congratulating winners, and bugged out of his private box.

Hitler's aides said that there was a threat of rain and that the Fuhrer wanted to beat the showers. But when there was another German winner later in the day, Hitler received him, sneakily, under the stands.

Two days later, American writers were calling it Black Tuesday for the Nazis, so many events were won by the athletes the Germans had been calling "America's black auxiliaries." On that day, Owens gave perhaps his greatest performance. After winning the 200 meters, he strolled over to the broad-jumping pit for his next qualifying event. That was supposed to be no great challenge for Owens, the only man who had ever leaped 26 feet.

It would have been trauma, for a less-confident chap than Owens. The red flag went up and Owens was charged with a jump when he merely strolled down the broad-jump path to measure the distance. He still was wearing his jersey pullover while examining the condition of the runway.

When Owens did get off a jump, the German officials ruled he had overstepped the takeoff, and he was left with only a third and final try at qualifying. This time Owens took off a full foot before the takeoff mark and soared to a world record leap of 26 feet, 5 15/16 inches.

He had a hard time with the German officials earlier, in the 100-meter semifinal. He won his heat but they said he couldn't be

credited with his world-record time of 10.2 because he had a following wind. A series of photos by American cameramen showed all flags limp during the race.

As an Ohio State sophomore the year before, Owens had given warning that he would be the man to beat in his Olympics events. He set records in the 220-yard hurdles and 200 meters and equaled the broad-jump mark in the Western Conference track meet.

After Berlin, Owens found himself with heaps of Olympic glory and little cash with which to operate. Instant offers of big honorariums turned out to be mostly the phony attempts of pseudo-celebrities to get their own names in the paper.

As a consequence, Owens submitted to some indignities to support his family. He donned his Olympic trunks and raced against anything that could run, horses, dogs, other beasts and humans (who had a head start). For promoters trying to make a buck for themselves as well.

In later years America did seem to recognize a debt to Owens. The U.S. Olympic Committee hired him for public relations, and he was on the banquet circuit. His biggest score since the Olympics happened only in the months before he died when he was a frequent face on national television, holding up that card and saying you can't leave home without it. The pay for that was good, and people liked it.

World records once held by Jesse Owens:

60 Meters, Indoors: 6.4 seconds.  
100 Yards: 9.4.  
100 Meters: 10.2.  
220 Yards: 20.3.  
200 Meters: 20.3.  
200-Meter Hurdles: 22.6.  
220-Yard Hurdles: 22.6.  
Broad Jump: 26 feet, 8 1/4 inches.  
400-Meter Relay: 39.8.

[From the Washington Post, Apr. 1, 1980]

#### OLYMPIC TRACK GREAT JESSE OWENS IS DEAD AT 66

(By J. Y. Smith)

Jesse Owens, 66, a track star who won four gold medals at the 1936 Olympics in Berlin and one of the greatest athletes of modern times, died of lung cancer yesterday at the University of Arizona Hospital in Tucson.

A sprinter, hurdler and long jumper of surpassing grace, Mr. Owens once held 11 world records. One of these marks stood for 25 years. Another stood for 40.

Each of his Olympic victories produced an Olympic record. All were won in a setting in which Adolf Hitler hoped to demonstrate the soundness of his belief in the superiority of the Aryan race and the efficacy of the Nazi doctrine of "strength through joy."

Later, it was widely reported that Mr. Owens, a black who was born into a family of sharecroppers in Oakville, Ala., had been snubbed by Hitler. But there was no snub as Hitler had been asked not to congratulate any winners.

But there was no doubt that the Fuhrer was angered by the young American's prowess and the Nazi press referred to Mr. Owens and the nine other blacks on the 382-member U.S. team as "the black auxiliaries." This had no apparent effect on the sports fans who crowded into the 110,000-seat Olympic Stadium and greeted Mr. Owens' triumphs with waves of cheering.

Mr. Owens had to make his stand against racial prejudice in the United States.

"When I came back, after all the stories about Hitler and his 'snub,' I came back to my native country and I couldn't ride in the front of the bus," he once said.

"I had to go to the back door. I couldn't live where I wanted. I wasn't invited to shake hands with Hitler, but I wasn't invited to



the White House to shake hands with the president, either."

Mr. Owens prevailed. He became a successful businessman, a "sports ambassador" for the State Department, an effective spokesman for the U.S. Olympic Committee and for the whole Olympic movement, and an inspiration to youngsters of all races as his athletic feats were recounted on television and radio and in newspapers and magazines.

At his death, President Carter issued a statement that said:

"Perhaps no athlete better symbolized the human struggle against tyranny, poverty and racial bigotry. His personal triumphs as a world-class athlete and record holder were the prelude to a career devoted to helping others. His work with young athletes, as an unofficial ambassador overseas, and a spokesman for freedom are a rich legacy to his fellow Americans."

Mr. Owens also was honored by presidents before his death.

On Aug. 5, 1976, President Gerald R. Ford presented him with the Medal of Freedom at the White House.

In February 1979, Carter presented him with the Living Legends Award. The president said at that time:

"A young man who possibly didn't even realize the superb nature of his own capabilities went to the Olympics and performed in a way that I don't believe has ever been equalled since . . . and since this superb achievement, he has continued in his own dedicated but modest way to inspire others to reach for greatness."

If Mr. Owens' performance at the Olympics became the standard by which later superstars were measured, it still did not equal what he did one afternoon a year before the Olympics.

In less than an hour on the afternoon of May 25, 1935, while a sophomore at Ohio State University, when he was known as the "Buckeye Bullet," Mr. Owens set three world records and tied a fourth. It was in a meet at the University of Michigan at Ann Arbor.

Despite a bad back, Mr. Owens equaled the world mark of 9.4 seconds in the 100-yard dash. He then set new records in the long jump (26 feet, 8½ inches), the 220-yard dash (20.3 seconds) and the 220-yard low hurdles (22.6).

The long jump record set that day was not surpassed until 1960, when Ralph Boston jumped 26 feet 9¼ inches in the Rome Olympics. Mr. Owens' longest-standing record was the 6.6-second mark he set in the indoor 60-meter dash in Madison Square Garden in 1935. That finally was broken by Cliff Outlin of Birmingham in a United States-Soviet Union dual meet in 1975. The new time was 6.4 seconds.

"Sure, I'm a little sad, it's like losing a member of the family," Mr. Owens said when informed of Outlin's feat. "I looked upon [my records] as part of history. I was proud to be involved in that history-making process, but I have nothing but great admiration for the kids coming up today."

Mr. Owens' Olympic victories were in the 100-meter dash (10.3 seconds), the 200 meters (20.7), the long jump (26 feet 5-5/16 inches) and in the 400-meter relay. Another leg of that relay was run by the late Ralph Metcalfe, who went on to become a congressman from Illinois. Mr. Metcalfe also finished second to Mr. Owens in the 100.

The story that Hitler snubbed Mr. Owens apparently came about in this way.

One of the first events of the Olympics that year was the shot put and it was won by a German, Hans Woelke. It was Germany's first victory in track and field events since the modern games began in 1896 and Hitler directed that Woelke and the other medalists be brought to him for congratulations.

But the president of the International Olympic Committee, Count Henri de Baillet-Latour of Belgium, told the Fuehrer that he

had no business congratulating any of the athletes. Hitler heeded this admonition after later events and left the stadium each day without congratulating anyone. All of Mr. Owens' victories came after the count had spoken to Hitler.

The American said later, "I wasn't running against Hitler. I was running against the world."

James Cleveland Owens was born on Sept. 12, 1913, one of seven children of Henry and Emma Alexander Owens. His father called him "J.C." and the boy helped in the Alabama cotton fields until the family moved to Cleveland, when he was about 9.

When he went to school in Cleveland, a teacher asked the boy what his name was. "J.C.," the lad replied. The teacher thought he said "Jesse" and Jesse was the name Mr. Owens used for the rest of his life.

He began to make a mark as a track phenomenon while still in high school and won a scholarship to Ohio State, where he helped support himself with various odd jobs. His coach there was Larry Snyder, who said yesterday that Mr. Owens "was the greatest by far. He was given an award as the greatest athlete of the half century. I would say that pretty much says it, wouldn't you?"

After the Olympics, Mr. Owens began a business career. At first he prospered. But then there was a period in which he was treated as a kind of curiosity. He ran against a race horse and ran demonstration races at other athletic events. He also toured with the Harlem Globetrotters basketball team.

He later became a personnel official for the Ford Motor Co. and then sales director for a sporting goods company.

In more recent years he had been a public relations executive. In the last few months, he appeared frequently in a television ad for American Express.

He maintained his interest in the Olympics until the end of his life. He opposed President Carter's plan to boycott the summer Olympics in Moscow on the grounds that politics should be out of the games.

It was this aspect of Mr. Owens' life that others remembered yesterday in paying tribute to him.

"Owens was without a doubt the best known and most beloved Olympic champion all over the world," said Bob Paul, director of communications for the U.S. Olympic Committee. "He not only achieved greatness on the track but in his entire life."

Jack Kelly, the vice president of the USOC, said Mr. Owens had raised funds for the committee and would be remembered for "personifying the Olympic spirit."

Glenn Cunningham, the great miler and a teammate of Mr. Owens at the 1936 Olympics, said his friend "didn't try to grab money. He always tried to help others."

Gov. James A. Rhodes of Ohio said Mr. Owens was "the greatest athlete of our time."

Simon Wiesenthal, the well-known hunter of Nazi war criminals, proposed that an avenue in Berlin be named after Mr. Owens. Wiesenthal said he had made this proposal once before, but had been told by Berlin authorities that streets in that city are not named after living persons.

Mr. Owens' body was to lie in state in the rotunda of the State Capitol in Arizona. Gov. Bruce Babbitt ordered that flags in the state be flown at half staff in his honor.

Mr. Owens always credited athletics with giving him his start in life and the United States with giving him a chance to fulfill it.

"In what other country in the world could a poor black kid like me go all the places I've been, see all the things I've seen and make so many friends?" he once asked.

Survivors include his wife of 47 years, the former Ruth Solomon of Tucson, and three daughters.

[From the Chicago Tribune, Apr. 2, 1980]

JESSE OWENS WAS AN INSPIRATION

(By Vernon Jarret)

The late Jesse Owens was more than a famous black athlete who ran and jumped so well in the 1936 Olympics that he humiliated Adolf Hitler, the most infamous racist of this century.

Owens' record-setting feats at the Berlin Olympics made him a hero to sports-loving Americans of all races. But to thousands of us, when we were children, the Ohio State University track star represented another dimension to both our public and secret wars against racism.

I must underscore "secret," because during the Jesse Owens era, publicly expressed resentment of racism could lead to real punishment.

The essential ammunition in that secret war was—particularly in the South—education. Owens not only ran like a champion, he walked and talked like an educated man. The same could be said of the late Ralph Metcalfe of Marquette University, Owens' competitor in 1936 in the 100-yard dash and partner in the 400-meter relays.

The same description fits other famous black track and football stars of the 1930s and 1940s. It fits those of decades earlier, too. Willis Ward of the University of Michigan not only was a great track star and an outstanding end on the football team, he left the impression that he had goals beyond athletic prowess. Ward today is a judge in Detroit.

Another hero of my youth was Jerome H. Holland, the All-American end at Cornell University. Holland went on to earn a Ph.D. at the University of Pennsylvania. Holland served as president of two colleges. He also has served on the board of directors of 10 major corporations, and he was ambassador to Sweden in 1970.

In 1972 Holland became the first black elected to the board of the New York Stock Exchange.

I refer to a period that could be labeled the era of the articulate black athlete.

During that era, blacks at all economic levels enjoyed seeing or hearing black college stars being interviewed on the radio or appearing in the Movietone and Pathe newsreels. Owens and so many of his lesser-known black counterparts in college football and track seemed to have a confident command of English.

I don't know about their scholastic achievements in college. However, I recall that when they spoke on the radio or were quoted in the newspapers, they presented themselves in a manner that caused us to believe that they were equal—if not superior—to the individuals who insisted that they were inferior.

One could have assumed from the public demeanor of these young men that they were aware of the value of example-setting in the black American's secret war against racism. During the Owens' era, a black man was lynched near Brownsville, Tenn., just 80 miles from my home, because he spoke out one Sunday against racism and for the right to vote. It was too difficult to lynch the subtle message of Owens.

The college athlete of yesteryear seemed to want all blacks and whites to see racism destroyed by the very way that educated blacks performed outside the arena.

Black athletes then appeared to know that advocates of racism might be willing to concede the equality of blacks and whites in purely physical endeavors. Black athletes of yesteryear wanted it known that they were equal mentally as well as physically. However, they received very little help from the media of that time.

That's why the black public school teachers must be credited with filling in the educational gap for so many decades. My teach-

ers made it known that Paul Robeson not only was an All-American football player at Rutgers, but he also spoke several languages and was a Phi Beta Kappa.

We also were told that the great Fred "Duke" Slater of the University of Iowa was an All-American tackle in 1921 because he had a brain as well as big hands and shoulders. Slater, now dead, became a circuit judge in Chicago.

Metcalfe still had such strong feelings about example-setting that when I met him in the late 1940s he insisted that black athletes and "black journalists leave the proper impression before the public" in the work that they did.

Early in his political career, Metcalfe served as a member of the Illinois Athletic Commission. I recall that at one commission meeting, Metcalfe privately criticized a fledgling journalist for both his dress and his poor use of English. It had a good effect on the writer, who today is employed and highly respected by a leading newspaper on the East Coast.

The Owens' era coincided with that of heavyweight champion Joe Louis, who probably was the most revered athlete of my generation. Joe Louis was no public speaker by any measure. However, no one expected eloquence from Louis. His boxing skills and character did the talking. Everyone knew that the Brown Bomber from Detroit was an unlettered migrant from Alabama. Owens also was from Alabama, but he was a college man and he spoke that way.

It is unreasonable to expect all athletes to speak with the ease of the basketball genius Julius "Dr. J." Erving or Arthur Ashe, the former tennis star. But since we have today so many college students who speak so poorly, it's time somebody should start asking why.

Are today's black athletes victimized by a secret or subtle kind of racism? Are they viewed by their sponsors or employers as athletes only—another way of saying we recognize you only for your brawn and supple bodies but not your supple minds?

We're going to miss you, Jesse Owens.

[From the Chicago Tribune, Apr. 2, 1980]

#### JESSE OWENS

Jesse Owens was a great American and a great athlete, probably the finest Olympic competitor ever produced by this country or any other. But it is a special point of civic pride that he also was a great Chicagoan. He adopted this city, and this city adopted him, when he came here in the 1940s to find the opportunity that Cleveland lacked. He prospered with the city, giving generously of his time and talent to civic projects, especially those devoted to young people.

But it was not easy. Although he struck a memorable blow against racial bigotry by winning four gold medals at Hitler's 1936 Olympics, he found that from the winner's stand in Berlin he went to the back of the bus in the U.S. We remember more readily the fact that Hitler snubbed him than the fact that he was not invited to the White House to shake a President's hand until 1975.

But he fought on with dignity and good will. And when disease ravaged his body, but not his spirit, he could die knowing that he had won.

[From the Chicago Sun-Times, Apr. 1, 1980]

#### JESSE OWENS

Eleven world records in track and field, plus four Olympic gold medals: Jesse Owens leaves a legacy of pride and achievement—and triumph over prejudice—that inspires generations of Americans, black and white.

"I came back to my native country [after the 1936 Olympics] and I couldn't ride in the front of the bus. I had to go to the back. I

couldn't live where I wanted . . . I wasn't invited up to shake hands with Hitler—but I wasn't invited to the White House to shake hands with the president, either."

No, not then. But twice later honored there, by Gerald R. Ford and Jimmy Carter. Tapped by the State Department for special "ambassador to sports" duties around the world. And on one of those assignments, in 1956, at age 43, he gave a demonstration run in the 100-yard dash. He timed in at 9.8 seconds—four-tenths of a second over his 1935 record.

An American giant: one who does not die so long as history lives.

[From the Chicago Sun-Times, Apr. 1, 1980]

#### OWENS: THE LEGACY WILL REMAIN

(By Ray Sons)

So Jesse Owens has lost the race we all lose. But the races he won will remain with us as a legacy that can never be squandered.

He was grace winning over barbarism on its home track, excellence clearing the hurdles of ignorance and intolerance.

His death of lung cancer in Arizona Monday sent sportswriters around the world thumbing through yellowed clippings and reels of microfilm to recapture a career without parallel in sports.

Babies born in 1935 and 1936, the years of Owens' magnificent achievements, have lived to their middle years. They have been delighted, enthralled and inspired by the achievements of Jackie Robinson, Henry Aaron, Willie Mays, Jimmy Brown, Wilt Chamberlain, Muhammad Ali, Kareem Abdul-Jabbar, Walter Payton and legions of athletes of their race.

And it seems impossible that one man's lifetime, ended this week at 66, could have embraced the entire history of the black athlete's achievement of his rightful place.

Owens and Joe Louis were the first American blacks to become heroes among people of all races in this country and throughout the world. Owens probably had a greater impact than Louis upon the conscience of a bigoted world because of the Olympic setting of his most memorable days and his ability to communicate his story and his ideals.

For that reason, sportswriters and broadcasters voting in a national survey in 1973 chose his winning of four gold medals in the Berlin Olympics in 1936 as the most important sports story of this century.

Adolf Hitler, whose dogma of intolerance soon was to create hell on earth, had hoped to use the Olympics as a stage for the glorification of Nazism and his creed of "Aryan supremacy." Hitler's propaganda was foiled when this little American black wrote the most stirring chapter of that Olympic story. Owens set Olympic records in winning the long jump and the 200-meter dash. He also won the gold in the 100-meter dash and shared the victory of the American 400-meter relay team.

But it was not just the winning that made Owens so special. It was the grace with which he accepted the adulation he had won.

In fact, Owens always gave credit to a German competitor, Luz Long, for "the greatest display of sportsmanship I've ever known" in offering him a friendly helping hand when Jesse was in danger of falling to qualify for his first event, the broad jump.

Owens was angry at Hitler that day. He felt the dictator had snubbed him because of his race, though historians now believe there was no intentional snub. Owens had been chosen by Olympic officials as the American performer who would sit with the leader of the host nation in his private box after the day's qualifying. But Hitler had left the stadium before Owens' event. Owens blamed his anger at Hitler for causing him to foul on his first two qualifying jumps. He had only one more chance.

It was at this moment, Owens wrote in the

Chicago Daily News years later, that he felt a hand on his shoulder.

"I turned to look into the friendly blue eyes of the tall German broad jumper. He had easily qualified for the finals on his first attempt. He offered me a firm handshake."

"Jesse Owens, I'm Luz Long." Something must be eating you, he said—proud the way foreigners are when they've mastered a bit of American slang. "You should be able to qualify with your eyes closed."

"Believe me, I know it," I told him—and it felt good to say that to someone. For the next few minutes, we talked. I didn't tell Long what was 'eating' me, but he seemed to understand my anger and took pains to reassure me . . . he didn't believe in the Aryan supremacy business any more than I did."

Long advised Owens to draw a line in the dirt a few inches behind the board and take off from there. "You'll be certain not to foul," the German said, "and you certainly ought to jump far enough to qualify."

Owens took Long's advice, qualified and beat Long the following day for the gold medal. Long was first to congratulate him.

They never met again. Long, a soldier in Hitler's army, was killed in Sicily. Owens visited his family in Germany after the war and lauded the courage Long had shown by befriending him that day in that political climate.

The incident probably led to Owens' insistence throughout his life that there was an essential brotherhood among the world's athletes that should not be marred by political interference with the Olympic games.

He was called an "Uncle Tom" by some for his part in preventing a mass walkout of U.S. blacks from the 1968 Olympics in Mexico City, where John Carlos and Tommie Smith raised their clenched fists in a demonstration of their views. It was Owens' view that sports were a means of bridging the gaps of understanding between men, and not to be used to widen those gaps. "I could appreciate their frustrations," he said of Carlos and Smith. "I told them they should fight their war on another battlefield."

As a sportswriter, I always have felt that Owens' greatest athletic achievement was not his Olympic performance but his shattering of world records for the broad jump, the 220-yard dash and the 220-yard low hurdles and his tying of the world mark for the 100-yard dash—all in 45 minutes on May 25, 1935, while competing for Ohio State in the Big Ten outdoor track meet in Ann Arbor, Mich. That may have been the greatest afternoon any athlete ever had in any sport.

But Owens' life transcended sport. He opened doors that had been closed. He was not a militant for his race, because his day predated the time when militance could be helpful.

"When Joe Louis and I came along," he said, "blacks in America had no image. We agreed that the only way to help our people was by deeds. We bled on both cheeks, but we lived in that vein. We didn't make waves."

On the contrary, his flying feet did make waves. They washed us into an era when we could enjoy each other's victories without regard to the differences in the color of our skin.

[From the Chicago Sun-Times, Apr. 1, 1980]

#### "GREATEST" OLYMPIAN OWENS DIES

(By Ted Green)

Jesse Owens, arguably the greatest Olympic athlete of all, surely the Games' most passionate American spokesman and the man best remembered for a performance that mocked Hitler's theory of Aryan supremacy, died Monday of lung cancer at a Tucson, Ariz., hospital. He was 66.

Owens, who won four gold medals at the 1936 Summer Olympics in Berlin—with Hitler among the 100,000 Germans who watched the lean, black American run faster and



jump farther than anyone else—succumbed after a three-month bout with the disease.

A pack-a-day smoker for the last 35 years, Owens had called his battle with cancer "the biggest fight of my life." His wife Ruth was at his bedside when he died.

President Carter issued a statement in Washington saying that "perhaps no athlete better symbolized the human struggle against tyranny, poverty and racial bigotry" than Owens.

"His personal triumphs as a world-class athlete and record-holder were the prelude to a career devoted to helping others," Carter said.

In Columbus, Ohio, Gov. James A. Rhodes called Owens the "greatest athlete of our time" and in Vienna, Austria, Simon Wiesenthal, the well-known "Nazi hunter", proposed that an avenue leading to the Berlin stadium be named after Owens.

Owens' body will lie in state Wednesday in the Capitol Rotunda in Phoenix, where Gov. Bruce Babbitt ordered that flags be flown at half-staff. Mourners will be permitted to view his body Tuesday at Universal Memorial Center in Phoenix.

Other services and burial will be in Chicago, but details were pending late Monday.

As success stories go, a better script could not have been written. Jesse Owens was to track and field what Babe Ruth was to baseball, Bobby Jones to golf, Bill Tilden at tennis and Jack Dempsey to boxing.

Son of an Alabama sharecropper, James Cleveland (Jesse) Owens went from shoe-shine boy in Cleveland, to Ohio State University sprinter and broad jumper whose many records stood the test of time, to Olympic (and national) hero, to businessman and, ultimately, to the man who in the United States came to symbolize the entire Olympic movement. During his travels, Owens made so many speeches that he literally became the Olympics' unofficial ambassador to the world.

He also had hard times, growing up poor; suffering during the early years the indignities nearly all blacks suffered; enduring, after his Olympic triumph, the humiliation of having to race against horses to make ends meet; falling at his first ventures as a guileless businessman and having to declare bankruptcy; and, much later, being criticized by more militant blacks for his moderate positions on politics and sports.

He spoke out strongly against boycotting the upcoming Olympics, saying: "No. We have got to go! The Olympic Games should be hallowed ground, quite apart from political considerations. They mean too much to the youth of the world. They are the greatest show on earth, and a force for positiveness in intercultural understanding."

As his health declined in recent weeks, Owens still was speaking out as it looked less and less likely that the United States would send a team to the Moscow Olympics this summer because of Soviet military intervention in Afghanistan.

"To me, it (boycotting) is not right in the eyes of God or the soul of man," Owens said.

Jesse Owens probably accomplished more, wordlessly, merely with his flying feet, than anyone before or since.

Competing as one of only 10 black athletes on the 362-man 1936 U.S. Olympic team, knowing that the virulent Nazi newspaper, "Der Angriff," had tauntingly called the 10 "America's black auxiliaries," Owens won four gold medals. And he did it in front of Hitler, Goering, Goebbels and Himmler, at a time when those Nazi leaders were preaching white (specifically Aryan) supremacy.

Before huge crowds at the new stadium Hitler ordered built for the Olympics, with Hitler and other top Nazis looking on from their private boxes, Owens:

Leaped 26 feet, 5 $\frac{1}{16}$  inches, the first 26-foot-long jump in Olympic history.

Won the 100-meter dash in 10.3 seconds, equalling an Olympic record that was disallowed because of an aiding wind.

Won the 200-meter dash in 20.7, a world record around a turn.

Ran the leadoff leg for the United States' winning 400-meter relay team.

This is where the fable comes in.

To this day, the story persists that Hitler snubbed Owens by refusing to shake his hand after his victories. Actually, as Owens and Olympic historians would later recount, Owens never got the chance because Hitler, in each instance, apparently left the stadium either before or moments after Owens' events. Those old film clips of the Berlin Games—the ones that show Owens winning, then cut to Hitler, grim-faced and obviously disgusted—probably helped perpetuate the myth.

The fact is that Hitler, after publicly congratulating several German hammer-throwers and shot-putters, hurriedly left the stadium after Cornelius Johnson and Dave Albritton, both black Americans, finished 1-2 in the high jump. This was before Owens' first event; so it was Johnson whom Hitler snubbed, not Jesse Owens.

Not that any of this mattered to Owens, who said, years later:

"I didn't go to Berlin to shake hands with Der Fuhrer. I went to run for my country. I wasn't running against Hitler, I was running against the world. Besides, that's too long ago to bear any resentment, even toward a man like Hitler. And the German people have since made me a welcome guest."

As amazing as Owens' Olympic performance was in Berlin, it paled compared to his remarkable feat the year before.

On May 25, 1935, at Ann Arbor, Mich., scene of the Big Ten track and field championships, Owens set three world records and tied a fourth within 45 minutes. At 3:15 p.m., clad in the scarlet and gray of Ohio State, the 21-year-old sophomore ran the 100-yard dash in 9.4 seconds, tying Frank Wykoff's record. At 3:25 he long-jumped (it then was called the broad jump) 26-8 $\frac{1}{4}$ , breaking the previous record by half a foot. At 3:34, he ran 220 yards in 20.3, clipping three-tenths of a second off the previous record. And at 4 p.m. he clocked 22.6 in the 220-yard low hurdles, four-tenths faster than the best previous time.

All those Big Ten records still stand today. Sports historians still regard May 25, 1935, as the greatest day an athlete ever had—in any sport.

And Owens had a bad back that day, having twisted it by falling down a fraternity house staircase. He was so stiff during warm-ups that he could hardly jog. His coach, Larry Snyder, wanted to scratch him from the championships. Owens wouldn't hear of it.

Looking back, Owens said: "I had the damndest cramps in my legs, worse than I've ever had before or since. I never realized I was breaking world records. All I could remember was that my back was killing me. Besides, it wasn't that hard. Once I warmed up, I never cooled down. Just kept running and jumping."

Owens couldn't cash in on his Olympic celebrity, the way Mark Spitz and Bruce Jenner have, because there was no television, few athletes were endorsing anything except small (by today's standards) paychecks, and there was no market for a former Olympic champion, especially a black one.

So Owens, who needed money to support his wife (he married at 18) and young daughter when he couldn't make it on the \$28 a week he was earning as a playground director in Cleveland, raced against horses

for extra money in shoddily promoted spectacles that were freakish and demeaning yet sadly necessary for a money-hungry amateur.

Owens usually beat the horses, thanks to a little trick he revealed years later.

"We always got a high-strung thoroughbred," he said. "The gun would go off close to the horse's ear; naturally, he'd rear and I'd be off with a tremendous break. By the time he came down, I'd be 50 yards down the track (in a 100-yard race). Even though he'd cover 21 feet to my 7 the rest of the way, it was too late. I'd win."

Owens invested what money he had saved in a dry-cleaning business, but that soon folded and he declared bankruptcy in 1939. In that three-year period after the Olympics, he had made speeches for Republican presidential candidate Alf Landon, raced against horses, led a dance band, worked for the Cleveland parks department, owned a cleaning shop and had been a salesman for a New York distilling company.

In the ensuing years Owens had better luck in business, as a consultant and in public relations. He prospered enough to buy property in Arizona and Ohio. And he made speeches like a hungry politician. What Owens was usually politicking for, of course was the Olympics.

When some U.S. black athletes boycotted the 1968 Summer Games at Mexico City, where Tommie Smith and John Carlos gave their black-gloved salute on the victory stand, Owens responded to those blacks who thought he had priorities reversed when he described himself as an American first and a black man second.

Wherever Owens the speechmaker went, people inevitably asked about Hitler. At a fund-raiser in Las Vegas in 1968, Owens said: "Yes I noticed him, but I was so thrilled with all the activities that he seemed like just another person in the stands. He looked like any other man with a little mustache."

Then he told this story: "Hitler didn't believe in God, you know, so when the war started to turn, it was hard on him, and he called in his astrologers."

"Are we going to win the war?" Hitler asked.

"No," they said.

"Am I going to die?"

"Yes," they said.

"When?"

"On a Jewish holiday," they said.

"Which one?"

"Any day you die will be a Jewish holiday."

Owens, whose "scholarship" at Ohio State in the Depression '30s was running a freight elevator from 4 p.m. to midnight, finally reaped some long-overdue awards (if not rewards) in his latter years. They included the Medal of Freedom, presented by President Ford in 1976, and the Theodore Roosevelt award, highest given by the National Collegiate Athletic Association. Owens was inducted into the Track and Field Hall of Fame in 1974. In every poll worth taking, he was named top track athlete of the half century.

Few know that Jesse wasn't his real name. When his family moved from Alabama to Cleveland and enrolled him in school, the teacher asked the shy, 9-year-old his name. Owens, almost in a whisper, said, "J.C." for James Cleveland. The teacher thought he said "Jesse." The name stuck.

By any name, he was an Olympian for all times. ●

#### EAST ASIAN AFFAIRS

● Mr. GLENN. Mr. President, Richard Holbrooke, the Assistant Secretary of

State for East Asian and Pacific Affairs, recently delivered two speeches which provide an unusually insightful analysis of East Asian affairs and the U.S. position in the area. While the scope of Secretary Holbrooke's remarks is too broad to permit a detailed description of his remarks, I would like to mention two points that he stresses.

The first is the extent to which the position of the United States in East Asia has improved in the years since the Communist victories in Indochina. There are many reasons for this, but probably the most important has been our success in developing good relations with both Japan and China, the two major powers in the area.

The second point, and a very troublesome one, is the great suffering and danger to the peace of the area caused by Vietnamese expansionism—an expansionism made possible only because of Soviet backing of some \$3 million a day. The huge number of Indochinese refugees and the continuing threat of mass starvation in Kampuchea are the direct result of Hanoi's ambitions to dominate its Indochinese neighbors, even if that requires deprivation for its own people and heavy dependence on the U.S.S.R. Only Thailand's farsighted and humanitarian policy of opening its borders to starving Khmer, the generous first asylum policies of the ASEAN countries and Hong Kong, and the willingness of many nations—led by the United States—to provide permanent homes for hundreds of thousands of refugees have prevented the situation from exploding.

As chairman of the East Asian and Pacific Affairs Subcommittee of the Committee on Foreign Relations, I have worked closely with Secretary Holbrooke since he assumed his present position early in 1977. He has been diligent in consulting with Congress on important matters regarding U.S. policy toward East Asia, a cooperation I am sure will continue.

Mr. President, I would like to insert Secretary Holbrooke's remarks in the RECORD.

The remarks follow:

#### THE AMERICAN POSITION IN THE PACIFIC: 1980

(Speech by Assistant Secretary Richard Holbrooke at the Women's National Democratic Club, Washington, D.C.)

The world looks less stable today than it did when I last spoke here 16 months ago; the challenges we face, especially in Southeast Asia, are more acute. The President has laid out our response to the Soviet invasion of Afghanistan, focussing on our actions in Southeast Asia and the Indian Ocean, and on our relations with the Soviet Union.

East of this area of confrontation lies East Asia and the Pacific, a region where the American role has been characterized by wide and politically controversial swings between overinvolvement and inattentiveness.

Thus, if one had predicted in 1975 that less than five years after the end of our long and traumatic involvement in the Indochinese Wars our position in the Pacific would be as strong as it is today, almost no one—optimist or pessimist—would have found the prediction credible.

In the last three years we have redefined the proper role for the U.S. in the area. In so doing, we have strengthened our national security in a critical region at a critical time.

When I last spoke here I described a number of dramatic and positive changes that were taking place in East Asia. The United States was just emerging from a period of drift and debate over its role in Asia. The basic cause of tension in the region had become the rivalries among communists. The non-communist countries of Asia, relieved of many of the pressures caused by the old Cold War divisions, were experiencing unprecedented economic and political development. We were in the process of building a new foundation for our nation's future in the Pacific. Secretary Vance laid out our policy direction in a speech in June of 1977 before the Asia Society:

Consolidating our alliance with Japan; Achieving full normalization with China; Maintaining close consultation with our ANZUS allies, Australia and New Zealand, on all matters of common interest;

Strengthening our ties with the members of ASEAN, the Association of Southeast Asian Nations, and forging a new relationship with the organization itself;

Maintaining our security commitment to the Republic of Korea and assisting it to improve its own defense capabilities; and Building a new sense of community in Asia and the Pacific.

Today the United States has redefined its role in East Asia in a series of policy initiatives that span and help link the region from Japan and Korea in the north to Australia and New Zealand in the south. The crisis in Southwest Asia has created a crucible in which the strength of our position in East Asia is being tested.

Let me begin, therefore, by reviewing with you the seven major American achievements of the past three years in East Asia.

First, there has been a significant and steady growth in the political and strategic relationship between the U.S. and our most important Asian ally, Japan. In the United States, this achievement has been overshadowed by the public focus on our recurrent trade frictions. But it is nonetheless real and important for the future strength of both our countries. Our strategic and political position throughout the Pacific must begin with an unbreakable bond between Tokyo and Washington. Economic strains in recent years could have severely weakened this relationship. But under the strong leadership of the President and two Japanese Prime Ministers that did not happen. The vastly increased coordination between our two nations in East Asia and beyond does not make front page news. Nor do the new Joint Defense Guidelines adopted in 1978, which have added operational credibility and efficiency to our alliance with Japan. But these are important indicators of the maturity of our alliance and its transformation into what President Carter and Prime Minister Ohira have called our "productive partnership."

Second, the normalization of U.S. relations with the People's Republic of China in December 1978 and the subsequent rapid pace of development in U.S.-Chinese relations. There is no doubt that this will be viewed as one of the major foreign policy achievements of the Carter Administration. The 15 months since normalization can be divided into three phases:

First, the act of establishing normal diplomatic and political relations with China, the ending in an orderly manner of our official relations with Taiwan, and the maintenance of a relationship with the people of Taiwan through unofficial instrumentalities. Vice Premier Deng's trip to Washington was the highlight of this phase.

A second phase, which is not quite completed and thus overlaps the third, has involved the development of trade, economic, commercial, cultural, consular and other ties that will put Sino-American relations on a truly "normal" footing across the board. In many of these areas we moved with great speed to cut through almost thirty years of non-communication, bureaucratic debris, and legal and psychological obstacles, but we are still awaiting completion of several essential elements. Vice President Mondale's trip was a key event in this phase. Under his personal direction we completed the following actions: Approval by Congress of a U.S.-China trade agreement, including Most-Favored Nation Status; the extension of Export-Import Bank credits to China, now agreed upon in principle by both countries; the extension of Overseas Private Investment Corporation guarantees to China; the designation of China as a "friendly nation" under law in order to qualify it for reimbursable technical assistance; the revision of our policies towards transfer of high technology to China to make more of our products available to China without endangering our own security; and the signing of a cultural agreement. We have also resolved the long-standing claims assets problem. Among the items still outstanding, on which we hope that progress will be made quickly, are a civil aviation agreement, a maritime agreement, a textile agreement and a consular treaty.

In the third phase, which began with Secretary of Defense Harold Brown's trip this January, we are broadening and deepening our dialogue with the Chinese government on global and regional issues of mutual concern. In regard to Afghanistan, for example, Secretary Brown found a similarity of views that led us to suggest follow-on talks at the sub-Cabinet level. Held in Washington last week with Chinese Vice Foreign Minister Whang Wenjin, these talks provided a new form of contact which both sides found of great value. We have already agreed to more such consultations in both Washington and Beijing, probably at a pace of about two or three exchanges a year at various sub-cabinet levels. These contacts will be of immense value in improving our mutual understanding.

The development of our relations with China will gradually evolve to a more normal pace; the result should be a solid, constructive relationship that is consistent with our global policies. And those who feared that normalization with Beijing would jeopardize Taiwan's security, prosperity, or stability have been given no grounds for those fears; on the contrary, the level of tension in the Taiwan Straits area is now at an historic low.

The third major achievement in East Asia has been the negotiation of a revision to the Philippine Base Agreement which assures our access to those vital bases until 1991 with a review of the agreement in 1984. The new arrangement, which ended a ten-year negotiation that often looked hopeless, protects our strategic interests while meeting legitimate Philippine concerns of long standing. The importance of these bases and facilities for the deployment of U.S. forces in both the Pacific and Indian Oceans is obvious. If we had not succeeded in concluding this negotiation well before the present crisis in Southwest Asia, uncertainty over access would now be plaguing our military planners. The agreement we reached is a fair one to both countries, and we are fully committed to it, including an important all-out effort, which I am hopeful will be successful, to obtain from Congress the full authorization of security assistance funds that we requested for FY 1981.

Fourth, the development of a comprehensive ASEAN policy. The five nations—Thailand, Indonesia, Malaysia, Philippines, and Singapore—that form the Association of



Southeast Asian Nations (ASEAN) are the core around which we have rebuilt U.S. policy in Southeast Asia since 1977. They have augmented their individual strength immeasurably by speaking with a single voice on many issues. And we have expanded our relations with ASEAN at a pace related to their desires and development.

Fifth, renewed support of the United States for the security of Thailand. Here is a clear demonstration that we are still willing and able to take a stand in this region. In the 1977 budget inherited by this Administration, for example, economic aid for Thailand was down to \$4 million and heading for zero. There was a feeling in some quarters that the whole of Southeast Asia was as "lost" as Vietnam, and that the U.S. had no major interests at stake in the region. Those trends have been reversed. Today, Congress recognizes Thailand as a country to which we have and must maintain special ties and commitments. We have expanded economic aid and military credits for Thailand, we have accelerated deliveries of military equipment urgently needed to meet Vietnamese pressure on the Thai-Cambodian border and we have provided major relief for the refugee influx. We have stated at the highest levels that a Vietnamese attack on Thailand, which could not take place without Soviet support, would cause a major crisis extending beyond the immediate area.

Sixth, the President's decision, in the highest traditions of our Nation, to resettle 168,000 refugees a year from Southeast Asia in the United States. Many people and countries are paying the price for Hanoi's policies—most especially the people of Indochina themselves, and the nations of first asylum like Thailand and Malaysia and Indonesia and Hong Kong who have borne the brunt of the exodus. Mrs. Carter's emergency trip to Thailand last November helped dramatize the situation and galvanize the relief effort. The President's decision on resettlement, along with similar actions by France, Canada, Australia, and others, is reducing the refugee burden in the first asylum countries. By so doing, we are also reducing the threat to their political stability and economic welfare. The support of the American people for the resettlement program and the massive contributions we have made to feed and care for Indochina refugees represent an enormous national commitment in both humanitarian and financial humanitarian terms, but one that we must and will continue to bear—because it is right.

Seventh, I would list the cooperative relations we have developed with the newly-independent countries of the South Pacific and with the institutions through which they are working together to ensure the peace and progress of their region. Few developments of recent years have been more heartening than the peaceful transition in the South Pacific of about a dozen small countries from colonialism to self-government and independence. The United States is playing a constructive part in that process. Popularly-elected governments have already been established in the American territories and the islands of Micronesia that we administer under United Nations trusteeship. And we have made it clear to American and trust territories alike that it is for them to choose whether they wish a continued association with the United States, and on what basis. We have recently taken an important step forward in the negotiations that will establish a new relationship with the Micronesians. And, even as these negotiations continue, both the Micronesians and the American territories are playing a more active and independent part in the affairs of the region in cooperation with their independent South Pacific neighbors.

Perhaps nothing better illustrates the strength of our Asian relations and their growing relevance to other parts of the world than the intensive series of consultations with our Asian friends and allies that we have conducted during the past six weeks. Prime Minister Fraser of Australia and Deputy Prime Minister Lee of Korea came to Washington for consultations in February. The ANZUS Council then moved up its annual session and met in Washington, with Secretary Vance presiding, to develop a common response to the Soviet invasion of Afghanistan. As I mentioned earlier, Chinese Vice Foreign Minister Zhang Wenjin came to Washington last week for the first working level meeting between our two governments that we have ever hosted. Foreign Minister Okita of Japan has just completed a round of important consultations in Washington. And after chairing a meeting of our Ambassadors in East Asia, I visited the leaders of all five ASEAN countries in mid-February to discuss their view of the situation. It is notable that bilateral issues have not dominated these discussions as they have in the past. Instead, the consultations have centered primarily on the business of developing cooperative efforts to meet international problems and threats to stability in both Southwest and Southeast Asia.

Let me also emphasize that, in constructing our Asian and Pacific policies, we have been fortunate in having had continual and strong support from both Houses of Congress. One lesson from our recent past that cannot be stressed enough is that a policy which does not have the support of Congress will ultimately be severely weakened, if not brought down, by the simple fact of disagreement between the two branches, even if the policy itself appears to be sound.

The challenges that still face us and our friends in East Asia are formidable. The most serious of these are clearly those surrounding Vietnamese territorial ambitions and the Vietnamese relationship with the Soviet Union.

After more than 30 years of war in Indochina, Vietnam continues today to prolong instability and human suffering in the region. The Vietnamese, in their quest for domination over all of Indochina, have given a new term to our language: "boat people."

And in late 1978, Vietnam, with the support of the Soviet Union, invaded Cambodia, driving the infamous and brutal regime of Pol Pot from Phnom Penh and setting up an unrepresentative regime under a former Khmer Rouge military commander named Heng Samrin, a regime which is dependent for its survival on the presence of about 200,000 Vietnamese forces. For several months now some 50,000 to 70,000 Vietnamese troops have been pressing up against the Thai border, bringing additional refugee pressure on Thailand and threatening that country's stability and security.

The challenge posed to stability in Asia by Vietnam's actions is a serious one indeed. For the United States, less than five years after the end of our Indochina tragedy, it poses especially painful problems. We seek to promote in Southeast Asia a stable system of independent nation states, including Cambodia. The urgent needs are to save the Cambodian people from destruction and to protect the territorial integrity and security of Thailand. Our overall objectives are to reduce and eventually eliminate the Soviet military presence in Indochina, to seek the withdrawal of Vietnamese troops from Cambodia, and to support and encourage the search for a political settlement that will ensure the self-determination and non-alignment of the Cambodian people. We are pursuing these difficult multiple objectives through refugee and relief efforts, through diplomatic channels, and through the in-

creased assistance to Thailand that I have mentioned previously.

Another area of potential instability remains the Korean peninsula. Thirty years after war exploded in that divided land, huge and well-equipped armies still face each other across one of the globe's tensest and most heavily-fortified lines. North Korea has not renounced its goal of reunifying the peninsula on its own terms. In this context, this Administration has reaffirmed the U.S. security commitment to South Korea and, after personally re-examining the balance of forces on the peninsula last year, the President decided to suspend the gradual withdrawal of American ground combat forces until at least 1981.

Coupled with immediate American actions to demonstrate our strong commitments to South Korea, this decision aided the maintenance of stability at a delicate and difficult moment in Korean history several months later, when South Korea's President, Park Chung Hee, was assassinated by his own intelligence chief.

Since President Park's death, the civilian leadership of South Korea has made steady progress, at a measured pace, in the direction of a broadly-based, popularly-supported government. A revised Constitution is being prepared. Personal liberties have gradually increased. We are particularly gratified at the recent restoration of political rights to over 600 people, including several of the most prominent men in Korean life. For progress to continue, we believe that it is critically important that the Korean military continue to support the civilian government and allow the process now underway to develop in a manner consistent with the desires of the Korean people.

At the same time, South Korea faces two other serious issues. First is the economy, now facing a difficult year after a decade of dramatic double-digit real growth. We shall do what we can to show special concern for Korea in these times of pressing economic problems throughout the world.

Second, even while trying to build a new political structure in the South, the Republic of Korea is responding to a potentially promising initiative from North Korea for direct talks at the officially-recognized government-to-government level. This tentative and delicate effort may prove, as have so many "peace feelers" in the past, to be an illusion, or a deception.

This possibility has been underlined dramatically in the past week by four serious North Korean-initiated infiltration incidents. The most recent occurred yesterday when a routine South Korean patrol encountered North Korean intruders. It is difficult for us to reconcile this kind of activity on the part of the north with sincerity in the North-South talks. Thus one can only approach such discussions with caution and vigilance.

But everyone recognizes that the present discussions have a somewhat different cast to them, in the wake of so many recent developments which could not have failed to make an impact on North Korea. Among these I would include Sino-American normalization, the change in government in Seoul, and the Soviet invasion of Afghanistan, a country that, like North Korea, borders on the Soviet Union. If the present talks between the Democratic People's Republic of Korea and the Republic of Korea result in a lowering of tensions in Northeast Asia, especially when tensions are rising in so many other areas of the world, then we are ready to welcome and encourage them. For our part, we will continue our full support for the Republic of Korea, to bolster their security against outside interference or adventurism, just as we will support Seoul's continued development towards democracy.

Finally, we must be concerned more generally about Soviet attempts at military expansion in the East Asia region. In the past few years, we have seen a gradual but significant increase in Soviet naval strength in the Pacific. Soviet ground forces have moved back into the northern islands taken from Japan at the end of World War II. As a countermove to their lack of success elsewhere in the region, the Soviet Union has established a foothold in Vietnam, giving Soviet forces access to naval and air facilities at a strategic point for their deployments to the Indian Ocean and improving their capabilities for surveillance in the Pacific. We are deeply concerned at this threat to the equilibrium of power in the region.

To meet this challenge, we have maintained and supplemented our strong strategic posture in the Pacific, as I have already outlined. But the significance of a strong U.S. strategic posture in East Asia is not confined to our interests in the Pacific. It is vital to our ability to respond effectively in the Indian Ocean and Southwest Asia. It is no longer accurate—if it ever was—to make an artificial division between the Pacific and Indian Oceans; they form an indivisible sea stretching well over half way around the globe; instability in one part of Asia can affect stability in the other. The strength of our response to Soviet aggression in Southwest Asia serves our common interests with our Pacific allies and friends. And it supports and contributes to the defense of Europe as well.

What does this mean for U.S. policy in Asia and the Pacific? We must continue to maintain a strong and flexible force structure in the Pacific to meet our security commitments in that region, as well as the new demands in the Indian Ocean. We will continue to deepen our security cooperation with Japan, as each augments its defense efforts in light of the current international situation. And we will seek to coordinate our diplomatic actions with Japan in Asia, the Pacific, and other regions. We will continue to explore with Australia and New Zealand the potential for contributing to our mutual long-term interests in stability in Southeast and Southwest Asia. We will continue to strengthen our relations with each of the ASEAN countries and their regional organization.

Our relations with China will also continue to take on significance beyond East Asia. We are already discussing those situations where we share a common interest. This is not to say that the differences in values and structures between us will disappear. We are friends, but we are not allies. We shall be expanding our trade with China into new areas of technology, some of which involve military support equipment. Let me emphasize that this does not constitute a decision to sell arms to China, nor do we contemplate such a decision. There has been a fear sometimes expressed in other capitals that the speed with which our relations with China are improving reflects a decision on the part of the United States to put China ahead of our traditional friends in Asia. This simply is not true.

We see our relations with China and Japan, and their relations with each other, not as being directed against any other power, but as important elements in maintaining the peaceful equilibrium in Asia. However, if the Soviet Union promotes and exacerbates instability in Southeast Asia, common interests in opposing these Soviet actions will naturally increase, just as Soviet aggression in Afghanistan has already created a common concern among other nations. We believe that the best defense against Soviet adventurism will be a continued American presence in the region and support for a strong political base throughout East Asia.

A sustained U.S. presence in the region, including the Indian Ocean, also requires over the longer term additional U.S. naval assets in the Pacific Command. There are a number of ways to augment our naval presence in the Pacific and thereby to bring more forces within a closer range of the Indian Ocean. For example, one possibility being considered is to homeport an additional aircraft carrier overseas, perhaps in the Western Pacific.

By the beginning of the 21st century we are likely to see a significant shift of the economic, if not political balance in the world towards the Pacific. This region contains almost half the world's population and has demonstrated an economic dynamism unmatched by any other single region of the world in the last few years. Our total trade with East Asia roughly equals our total trade with Europe; the region has become an increasingly important source of raw materials and a hospitable locale for private investment. As the region continues to develop, it will be essential for the United States to remain actively involved. Our fundamental interest in Asia and the Pacific still lies in encouraging the establishment and maintenance of a stable and peaceful system of independent states.

There were times in our history, over the last 40 years, when many Americans wondered why we were involved at all in lands and oceans so distant and so different from our own heartland. But today, we should feel especially blessed that, by history, geography, and economic interests, we are as much part of the newly emerging Pacific Community as we are part of the Atlantic world. If the trends of history in fact do run towards that part of the world that we once knew as the Far East, we can, and must, participate in this development in full partnership with old and new friends in Asia.

#### THE NEVER ENDING TRAGEDY

(Speech by Assistant Secretary Richard Holbrooke at the Council on Foreign Relations, New York, N.Y.)

It is both ironic and painful that as the 1980's begin, we are meeting here at the Council on Foreign Relations to discuss the situation in Indochina, just as we might have ten years ago, or twenty, or indeed even thirty years ago.

With regret and sadness one must conclude that the greatest single threat to peace in East Asia in the 1980's still remains the unresolved situation in Indochina.

After years of uncertainty, the rest of East Asia looks hopeful and promising as the new decade begins. Our political and strategic relations with Japan have never been stronger; China is moving towards a broader and constructive participation in world affairs while trying to transform the lives of its people; the association of Southeast Asian Nations (ASEAN) is developing new bonds of common purpose and resolve; the ANZUS alliance between the U.S., Australia, and New Zealand has shown its enduring strength in the face of the challenge in Southwest Asia; South Korea is trying to develop a more broadly-based and popularly-supported government; there are potentially promising preliminary talks between North and South Korea, although clouded by a series of North Korean initiated incidents in the Demilitarized Zone last week the tiny island nations of the South Pacific are emerging into independent status in a peaceful and democratic way with the support of the ANZUS powers; and although slowed by inflationary pressure, there has been dramatic economic progress throughout the region. A new sense of Pacific Community is growing up among the nations bordering the greatest of all oceans. We are fortunate that we are as much a Pacific as an Atlantic nation, and

we will participate fully in these developments.

Last week, speaking in Washington, I outlined the strategic objectives and major achievements of the Administration in East Asia and the Pacific since 1977. The overall record is good, and most observers would agree that the United States, through a combination of its own policies and other events, has succeeded in playing a role in the region that few people would have thought possible in 1975, when the American position in Indochina collapsed in turmoil and tragedy.

Nevertheless, war in Indochina again threatens the stability of the entire region. The circumstances are different now than in the past. The colonial and Western powers are gone; the civil war is over; the coalition of communist regimes has disintegrated.

This time around, it is Asian against Asian, communist against communist, Vietnamese against Cambodian, Chinese against Vietnamese, and, in the background, the Sino-Soviet rivalry.

Yet both our national interests and values do not permit us to turn our backs on the political turmoil and human suffering unfolding in Indochina. We continue to have an important stake in the stability and equilibrium of the Pacific region. We have security commitments to Thailand. We must continue to assist the nations of first asylum—Malaysia, Thailand, Indonesia, the Philippines and the Crown Colony of Hong Kong—in dealing with the refugee flood, or some of them may find themselves cracking under the pressures, and resorting to draconian measures to deal with the refugees. Under Hanoi's domination, Laos is continuing to decline economically and sizeable numbers of refugees continue to flee across the Mekong into Thailand.

Dealing with these problems could hardly be more difficult. But we are going to continue to play a role because the nations of the region want us to and expect us to. We are going to continue to play a role because we must seek to prevent what otherwise will be an even greater tragedy. And we are going to continue to play a role because it is in our national interest to do so.

The center of the tragedy, of course, is Cambodia, although the root cause for its misery lies outside its borders. After ten years of unimaginable horror, this little country is further than ever from peace. Its people are still in the process of being destroyed. Whether they can ever rebuild themselves into a viable state, or whether they are now in the process of being reduced to an ethnic minority within a structure controlled by someone else, like the Armenians or the Latvians, or so many peoples in this century, is something that we will not know for years to come. But their prospects are bleak.

A visit to the border between Thailand and Cambodia is a very sobering experience. I visited there last October with Senators Sasser, Danforth and Baucus, only a few days after the first refugees were admitted into Thailand as a result of the change in policies of the Thai Government under then Prime Minister Kriangsak, a humanitarian policy which rightfully earned the Thais worldwide support. Tens of thousands of people had walked west across Cambodia looking for food, finally—if they survived—stumbling across the border into Thailand. They lay silently by the thousands in the open fields and under bushes waiting for food and medical help. It was the silence, especially the silence of the children, that chilled us most. Many were dying, but no one was strong enough even to cry.

The world responded to that scene of unrelieved horror. Led by the United States, and spurred on by Mrs. Carter's emergency trip to the border in November, massive international support stemmed the famine.



Many people did die, but the worst was averted. Life returned to the people at the border. Today one can see children laugh—and cry.

This improvement in the situation was the result of a three-pronged relief effort. First, setting aside all political considerations at the direction of the President, we pressed for the maximum input of relief supplies by the international agencies through Phnom Penh in order to get food distributed to the people inside Cambodia. A debate continues over how much diversion and stockpiling of this food there has been on the part of the Vietnamese and Heng Samrin. We have studied the charges and countercharges carefully, but our information is incomplete. To the best of our knowledge, there has been significant stockpiling. An undetermined amount of food has not yet reached the people for whom it was intended. Recently, the international agencies have been telling us that food is now getting out to the provincial capitals, although the Vietnamese have done nothing to facilitate this. The only way to stop diversions and stockpiling would be to stop the relief efforts, and this would simply increase refugees and accelerate the destruction of the Cambodian nation. Hence we believe that these efforts must continue, and, considering the suffering the Cambodian people face, there is no humane alternative to this relief program. But we must have better evidence that the relief is reaching the people. So, in last week's meetings at the U.N. to discuss how to raise additional, much-needed funds, we stressed our readiness to continue to support these efforts, as well as our desire for better information about the end use of the relief supplies. This is vital if we are to be able to justify the continuing costs to the American people.

The second part of our effort was to provide relief for the growing number of people who began walking west towards Thailand in search of the food they could not find in Cambodia. It was these people whose dramatic emergence from the interior last fall woke the world up to the tragedy unfolding inside their country. By the end of last year perhaps as many as 600,000 people were at the border. They gathered for the most part not in organized and officially sanctioned U.N. refugee camps, but in tightly-packed concentrations straddling both sides of the border. Today, these people are no longer starving to death, but as the dry season comes to an end, we face a new crisis. The people at the border are being fed, but they are not ready for the rains; their huts are not raised off the ground, many of the temporary dirt roads will wash away, and the people will have great difficulty staying where they are now. I regret to say that the preparation for the rains has not been adequate along the border.

We and others, including the three Senators who visited Phnom Penh, repeatedly asked the Vietnamese to open up the border to permit the dispatch from Thailand of truck convoys with food for the people of Western Cambodia. This would have been the simplest way to feed the people. The Vietnamese refused, presumably because they feared that the food would strengthen many Cambodians opposed to their rule. At that desperate moment, the cross border feeding operation which was to save countless lives emerged. The idea was simple: If we could not get the food to the people, let the people come to the food. Assemble it in very large quantities at the border, let the people come out to get it and return to the interior to feed their families and neighbors. This makeshift operation, dubbed the "Ant Army" by some journalists who observed it, has worked; enormous numbers of people have been saved from starvation in the last few months. But it too is jeopardized by the coming rains.

In this connection, I have yesterday received a cable from our Ambassador in Bangkok, Mort Abramowitz. He says:

"The grain from the recent harvest is nearly exhausted. Food must be delivered in great quantities over the next few months, but getting it to the population outside the cities will be difficult. Phnom Penh's distribution system operates near capacity, hobbled by terrible transportation conditions, inexperience, and Vietnamese/Heng Samrin priorities. The Phnom Penh government simply cannot get it together. The approaching monsoon will hinder both Phnom Penh and Cross-border efforts.

"To escape another relief cycle, the agricultural system must be revived. Large infusions of seed across the border to supplement what can be distributed from Phnom Penh seems to offer the only hope of getting seeds to farmers in time. Without tremendous luck, the probability is for limited planting and harvest. In the meantime, large numbers will have to survive on a dangerously fragile margin, although the dimensions of the tragedy remain uncertain. I cannot be optimistic."

Even when they work, these are makeshift arrangements. The basic problem remains the devastation of Cambodia's agricultural base. The most urgent need now is to get rice seed back inside the country. If the next rice crop does not get in for the May planting season, then we will face an even more serious crisis in a few months. The international agencies are currently rushing rice seed to the border, and trying to find other ways to get it into Cambodia in time to avert this nightmare.

The third part of our effort to avert the starvation of a nation was to urge the U.N. High Commissioner for Refugees to prepare for the possibility that the first two efforts—the cross-border feeding operation inside Cambodia, and food and shelter at the border—would be insufficient. In that case, additional officially organized refugee holding centers would be required inside Thailand. The UNHCR has organized these centers, and they now hold around 150,000 people. They too are not yet ready for the rains, although here at least, unlike the border, work on raising the houses off the ground has begun. These refugee centers are in addition to the other camps in Thailand, which hold another 150,000 refugees awaiting resettlement.

These were not small achievements, given the difficulties encountered along the way. The international relief workers in the border area and inside Cambodia are true heroes of a never ending struggle against personal danger, fatigue, frustration and a sense that it is all overwhelming and hopeless. They deserve our admiration.

Most of all, the victims of this tragedy deserve special thought. Now that mass starvation has been averted, they sit in camps of despair, not knowing if they will ever be able to return to their homeland. My impression, in three visits, is that they are a traumatized people who have lost hope that they can affect their own destiny. They seek only to survive. An increasing number, once they reach the official refugee camps, enter into a sort of emigre mentality, and begin to hope for permanent resettlement in third countries. While some of them will follow the Vietnamese boat people and the Lao and earlier Cambodian refugees into third country resettlement, this is clearly not what the bulk of the people want, nor is it desirable. We want to see them able to return voluntarily—and I stress the word voluntarily—to their native villages. Most would do so if they can feed themselves and can live in peace.

But living in peace in Cambodia has been particularly difficult in the last decade. No country in the world has suffered more in our times. I remember particularly, in my

visits to the camps, the answer the refugees gave to the question of which regime had been worse, Pol Pot or Heng Samrin.

The answer, curiously, never varied, except in those camps where the immediate families of Pol Pot's followers were clustered. While everyone else spoke of Pol Pot with far greater emotion and bitterness, they described both regimes with hatred. "The main difference was that Pol Pot killed us, and the Vietnamese are starving us," was the reply, repeated almost without variation. And in one camp, a woman who had led a small group out of Cambodia only a few hours earlier added: "And Lon Nol bombed us."

It struck me as an indescribably tragic but accurate summation of a decade of Cambodian history: First the bombs of 1970-75; then the unimaginable savagery of the Pol Pot regime, surely the worst and most brutal leadership any nation has known in recent times; now subjugation and selective starvation by the Vietnamese.

That answer should also remind us that this tragedy is entirely man-made. Cambodia is not the victim of a typhoon, or a cyclone, or a drought. Cambodia's ordeal is the result of politics and events that have run out of control in Southeast Asia for too long.

Thus, while we continue to work around the clock to deal with the humanitarian crisis, we must recognize that if the underlying political causes of the tragedy are not dealt with, then the costs and risks will continue to mount.

Thus, even as we have been dealing with the humanitarian problem, we have also been trying to prevent an expansion of the fighting into Thailand. In doing so, we have demonstrated our willingness to take a stand in the region in support of Thailand. For several months now, some 50,000 to 70,000 Vietnamese troops have been fighting near the Thai border, raising the danger that the fighting might spill over into Thailand. We have urged both Hanoi and Moscow to insure that Vietnamese forces exercise restraint along the Thai-Cambodian border, and we have noted their assurances that the Vietnamese will not attack or invade Thailand, assurances that have so far been kept. In addition to our assistance to Thailand for the refugee influx, with the support of Congress we have expanded military credits and accelerated deliveries of military equipment to Thailand. We have reaffirmed our commitment to Thailand's security under the Manila Pact and we have stated at the highest levels that a Vietnamese attack on Thailand, which could not take place without Soviet support, would cause a major crisis extending beyond the immediate area.

So far, the territorial integrity and security of Thailand has been maintained. Thailand has not been attacked. An even more serious crisis has been averted for now.

At the same time, we must recognize that the underlying problems are probably no closer to solution today than they were one year ago. The number of people seeking safety outside Cambodia has not diminished, and the costs of the relief to the international community and especially to the United States at this time of severe budgetary pressures have been enormous. And refugee pressure on Thailand could contribute to political instability in Bangkok, creating complications for the new government of General Prem. Finally, we are no nearer the political solution for Cambodia that we have stated is our long range goal.

The root cause of this situation remains Vietnamese actions. First, Hanoi's longstanding dream of dominating all of Indochina. Second, their increasing dependence on the Soviet Union and the growing Soviet use of Vietnamese territory as a strategic foothold in Southeast Asia. I view this as a serious development that runs counter to the otherwise improving trend in East Asia.

Third, the continuing Vietnamese occupation of Cambodia, and the creation of refugees along the Thai border. Fourth, the threat that the Vietnamese hold over their neighbors that they will unleash a new wave of boat refugees. Although the number of people fleeing Vietnam has decreased substantially since last summer's Geneva conference, it still averages about 2-3,000 per month.

Hanoi's policies have imposed a heavy burden on Vietnam itself. The task of unifying the country has never been completed. The economy is in disarray. Reconstruction, so desperately needed after 30 years of war and turmoil, is being postponed again throughout Indochina.

Let me outline American objectives in Indochina:

First, an end to the human tragedy and suffering of the Cambodia people.

Second, a sharp reduction and eventual elimination of the Soviet military role in Vietnam. This will be difficult to achieve and may take a long time, but it is an important goal toward which we must work.

Third, the withdrawal of Vietnamese troops from Cambodia and an end to the pressure the Vietnamese are now exerting on Thailand.

Fourth, the replacement of the puppet regime of Heng Samrin with a non-aligned government responsive to the will of the Cambodian people and at peace with its neighbors. Who should be its leader is not for the United States to say. We back no group or people. It goes without saying that neither we nor the people of Cambodia would favor the return of Pol Pot and his colleagues.

We will hold firmly and patiently to these objectives. The Vietnamese, while suffering heavy costs, do not yet seem ready to make meaningful compromises. We nevertheless believe that, in conjunction with ASEAN and other concerned countries, we must continue to seek ways to use negotiations as a means of seeking the objectives I have outlined above. We cannot, of course, speak for other governments, but we will be discussing these possibilities further with them.

Let me be very clear. We are not interested in producing a negotiated acceptance of the Vietnamese occupation of Cambodia. We agree with our friends in ASEAN that such action, which would leave Vietnamese troops on Thailand's border, is not in the interests of peace in the region.

I want to reaffirm again our firm support of ASEAN and the resolution which they sponsored in the U.N. General Assembly last November calling for humanitarian relief and political settlement in Cambodia. This resolution received an overwhelming vote in the U.N., testifying to the disapproval of the majority of nations for Vietnam's behavior. ASEAN is the core around which we have rebuilt our foreign policy in Southeast Asia since 1977, and we will continue to work closely and directly with each of the countries of the organization.

Even as we explore the possibility for a political settlement, we must look for additional ways to alleviate the human tragedy. One of last year's more successful efforts was the international conference convened in Geneva by U.N. Secretary-General Waldheim.

As a result of the concerns demonstrated by that conference, the number of boat people dropped substantially. And the rest of the world opened its doors and pocketbooks wider to resettle more land and boat refugees. The Thai Government has now suggested that a similar meeting be convened this year to consider the situation in Cambodia. Such a conference is, in our judgment, urgently needed.

Even as the world grapples with pressing crises elsewhere, we must summon greater international attention to this problem. Its

need is justified by the uniqueness of the situation: An entire nation and its people are threatened with destruction. Without Cambodians there will be no Cambodia. Even in these difficult times, there is no other nation facing extinction. We hope that the Secretary-General will respond as quickly as possible to the Thai Government's call for a conference to deal with the humanitarian aspects of the problem. This conference should include all parties involved in the problem, and it should deal with the urgent problems of feeding and supporting the refugees in Thailand, the need to create a safeguarded haven for Cambodian civilian concentrations on the Thai Border, the need to increase the international effort in Cambodia and to rebuild Cambodia's agricultural base. We will also be urging other nations to join in this effort.

Whatever solution is found, it must be sought in a larger regional context. Peace will not come to Cambodia until a government exists in Phnom Penh that can be accepted by both China and Vietnam, and both China and Vietnam feel more secure and less threatened by each other than is now the case.

The Soviets could make an important contribution to ending the tragedy in Cambodia. They have been giving Vietnam \$3 million worth of assistance per day; they make contributions vital to Vietnam's ability to maintain 200,000 troops in Cambodia. By their actions, they are prolonging the conflict and assisting in the demise of the Cambodian people. The Soviets, if they wish to follow a constructive policy in Southeast Asia, could play an important role in overcoming the current deadlock on political settlement. So far, they have refused even to discuss the matter. They should reconsider their position in light of Vietnam's inability to bring the fighting in Cambodia to a close.

Let me conclude by stressing that the Vietnamese have it in their power to end the tensions and crisis in the region if they wish to. They are, truly, at a crossroads. They can be peaceful participants in the region, establishing good relations with ASEAN and seeking to reduce their tensions with China. Or they can become, whether they intend it or not, a Soviet stalking horse in Southeast Asia. They can create a society which does not drive people into the South China Sea in boats. They can join in the search for a non-aligned and representative government in Cambodia, or they can continue to insist that the situation is irreversible and perpetuate the suffering of the Cambodian people.

If they choose the path of cooperation, then the ASEAN countries, Japan, the United States, and other nations are ready to work with them, in a peaceful and forward-looking Southeast Asia. But if they persist in their present course, then they will increasingly isolate themselves from the rest of the world, put heavier and heavier burdens on their own people, and set back even further their own economic development. ●

#### UNITED STATES STEEL CHAIRMAN POINTS OUT TRADE-OFFS BETWEEN ATTAINING ENVIRONMENTAL AND ECONOMIC GOALS

● Mr. HEINZ. Mr. President, for several days over the past 2 weeks, the county commissioners of my home county—Allegheny County, Pa.—have been holding hearings in connection with the development of a State implementation plan (SIP) as required under the Clean Air Act.

I would like to share with my distinguished colleagues the remarks at those hearings of David M. Roderick, chairman of the United States Steel Corp. I ask

that the text of Mr. Roderick's remarks, which point out some of the tradeoffs between attaining environmental and economic goals, be printed in full in the RECORD.

The text follows:

TESTIMONY BY DAVID M. RODERICK

My name is Dave Roderick, chairman of the board of the United States Steel Corporation. I'm pleased to have this opportunity to testify at today's hearings... especially since we at U.S. Steel have a vital stake in the provisions included in the State Implementation Plan. I want to assure you today that it's one of our company's major goals to control emissions from our steel producing operations in a manner consistent with the essential principles of the 1977 Clean Air Act amendments. We are firmly committed, in principles and in practice, to improving air quality and protecting the public health.

But it's also the goal of U.S. Steel to continue producing the highest quality steel products, both to keep our facilities economically viable and to provide the related opportunities for employment and prosperity in our neighboring communities.

I'm well aware that what I have to say here today may be very different from some of the testimony you'll be hearing later on. And, I'm sure that during the course of these hearings you'll hear industry accused of "dragging its feet" in meeting clean air standards. That's a reckless charge, and I suppose that I could make a few "reckless" charges of my own.

But today I think it's vital that we put aside the rhetoric of confrontation and talk about some basic realities. All of us want the air we breathe to be clean and pure. All of us want to work and to prosper so that we can provide the best possible life for ourselves and for our children. That is pretty basic isn't it? The difficult part is trying to achieve both of those objectives—cleaner air and a better standard of living—at the same time.

The simple fact is clean air isn't free. Maybe it ought to be, but it isn't. Somebody has to pay for it. And because of the nature of our economic system, because every person is dependent on some other person for a product or a service, when somebody pays, then sooner or later everybody pays. When it costs industry more to make a product, it costs you more to buy that product.

At U.S. Steel, we recognize the economic idiosyncrasy of being mandated by overly strict environmental standards to install controls to achieve cosmetic improvement—a waste which can only further debilitate our efforts to invest our capital in steel-producing, job-producing plant and equipment. We must make our steel mills in Allegheny County more modern and more competitive, and I'm determined to do everything I can to see that our people and their neighbors in our steel communities don't wind up paying for clean air with their jobs. And I'm determined to see that what happened in the Mahoning Valley never happens to the Mon Valley.

Our environmental control people have been working long and hard for many years with one goal in mind: to see that we—you and I—get a hundred cents worth of cleaner air for every dollar we spend on pollution control. Today I'd like to share with you some of the results of that effort as they concern Allegheny County.

Our steel industry today is an industry in crisis. I don't need to remind most of you that my company recently reported losses of over \$500 million and that a shutdown of plants which employed some 11,000 people was recently announced. A number of our steel facilities have grown too old for economic stability. For example, our Homestead



open hearth facility is 40 years old. And, frankly, some of these older steelmaking facilities are one of the main problems we're having with productivity. In the American steel industry, improvement in output per man-hour has lagged behind those of certain other industrialized nations. This can be changed by replacing, modernizing and expanding our facilities. In doing so, we would make existing jobs more secure, hopefully even create new ones.

What's stopping us from expanding our facilities? Chiefly, it's a problem of inadequate capital available for investment. And, unfortunately, one of the principal causes of that capital problem is the impact of government regulation in the area of environment. Right now, the steel industry has spent or is spending on environmental controls about six billion dollars—figured in terms of 1978 dollars. Through 1985, we calculate that we'll need to spend another four billion dollars or so to meet further environmental standards. In view of the limited capital available to our industry to replace the tools of production required just to maintain our present capacity, the drain of capital into environmental facilities of questionable benefit seriously impairs our industry's viability.

As a result of these demands and as a result of the serious problems of illegal imports and inadequate rates of capital cost recovery for plant and equipment under current tax laws, it can be predicted that America's steel industry will continue to decline in capacity over the next decade. It's in this context that the present Allegheny County SIP revision process is of great importance to us. For years, as compared to other areas around the country, Allegheny County has had among the most stringent air emission regulations. We urgently need more reasonable and effective air emission control strategies in Allegheny County. We need alternatives which would permit replacement and modernization of some of our facilities and would renew the possibility of modest industrial growth. In addition, we believe it unwise to require the use of tremendous amounts of capital for controls aimed at capturing marginal emissions when we can use less capital to control more emissions, faster and with less energy.

Capital is sorely needed to provide the replacement tools to maintain our industrial base here in Allegheny County, and also to provide for necessary modernization to meet the challenge of foreign competition in the American marketplace. Given that vital need, we believe our capital should be used in a way that shows results, whether it is being used to clean the air or to produce steel.

Right now we are reviewing plans to install a modern basic oxygen shop or other new steelmaking technology here in the Mon Valley to replace the present open hearth steelmaking facilities at Homestead Works. We are also considering installing a new caster, perhaps, at another Valley plant. In order to proceed with our plans, provisions in the present SIP are essential and modifications in our consent decree of May 1979 must also be considered. We need recognition of changes required at various emission sources in the Valley as part of our new construction program. We will work with the government agencies at the county, state and federal levels to modify the consent decree to make it possible to proceed with our plans. Construction of a new facility at Homestead would be important to U.S. Steel and to Allegheny County not just because it would provide modern steelmaking opportunities here in the Mon Valley, but because it would also result in a more rapid advancement of clean air than would be possible by attempting to retrofit controls at the existing open hearth shop.

In addition to the revisions in the decree necessary to modernize our Homestead facilities and to provide air quality control that's

"cleaner," "faster," "cheaper," and "less energy-intensive," other revisions must be made in the State Implementation Plan for Allegheny County. Last September 21, we submitted a carefully prepared list of those revisions. Unfortunately, our proposal was all but ignored—even though many representatives from local governments, chambers of commerce, sportsmen's organizations and private citizens testified in its favor.

We need the help of our government and our County Commissioners to develop a SIP that not only results in clean air but promotes industrial modernization and emission control strategies that are cost-effective. In other words, we believe that our September 21 comments, should be given serious consideration for incorporation into the SIP.

In addition, site-specific regulations should be developed for our facilities. These site-specific regulations should be based on the philosophy of the bubble concept—where a plant as a whole meets the overall emission requirements of existing regulations. We believe that new or replacement facilities such as our proposed modernization at Homestead, a new caster or a new coke battery at Clairton should be encouraged—not discouraged—by environmental regulation. The only restriction that we believe is necessary is that the replacement facility will produce less total air emissions than the existing facility, thus resulting in reasonable further progress toward attaining and maintaining the air quality standards.

Dr. Philip Masciantonio, U.S. Steel's director of environmental control, will elaborate in his presentation on the specific recommendations we have for the Allegheny County SIP, and we will submit for the record of these hearings an update of our September 21 comments with specific language recommendations. In addition, our consultant, Energy Impact Associates (EIA), has made perhaps the most comprehensive study of steel mill air pollution sources in Allegheny County and will demonstrate why our program will result in cleaner air—in less time and at less cost—than the SIP program currently under consideration.

A recent editorial in the Post-Gazette emphasized how much we all have in common in the implementation of these standards and how important it is for the public to keep an open mind until all the evidence is heard. Certainly we at U.S. Steel welcome proposals from whatever quarter that are aimed at a constructive, cost-effective solution to the clean air issue in Allegheny County. And, we'd hope that the proposals we've set forth will likewise be carefully considered on their merits.

A moment ago, I mentioned that in the long run, everybody must pay for a cleaner environment. For all of us, the first payment could be in the form of electricity rates in Allegheny County, according to Duquesne Light Company. It seems that there is a major difference of opinion between Duquesne Light and the EPA over the necessity for installing a scrubber system at the company's Cheswick Power Plant.

If such a system is not required, as Duquesne Light contends, then I cannot understand why the utility's customers—including U.S. Steel—must pay the price. For us, the potential increase—6 percent over last year's rate—would boost our electric bill by \$4 million a year. A 6 percent increase wouldn't be very good news for the residential consumer either.

Today's effort to revise the State Implementation Plan for Allegheny County represents a fundamental step toward the future economic strength of our country. We are long past the point where there is a need for debate over the desirability of an improved environment and its importance in our lives. What we are now concerned about is achieving that goal in the most cost-effective and balanced way . . . a way that will

ensure not only a healthy environment but a prosperous future for the citizens of our county. The 80s represent an opportunity to determine whether we can meet the environmental challenge and at the same time, recognize and control those elements that would tend to destroy our economic strength.

Our community has moved forward not only through the accomplishment of our athletic teams, of which we are justly proud, but also through the business leadership . . . the political leadership . . . and the labor leadership which has won us many real victories over the years. Now is the time for all of us to put aside our differences and join together in a commitment to the revitalization and renewal of Pittsburgh's leadership role among the great cities of America. Enough has been said and written of our so-called "Smoky City" in past decades. Let's move forward into the new decade in a balanced community whose citizens enjoy a clean environment and good jobs.

Thank you for this opportunity to appear before you today. ●

#### EMERGENCY HOME PURCHASE ASSISTANCE ACT

● Mr. BAYH. Mr. President, I have recently joined several of my colleagues in cosponsoring S. 2177, a revision of the Emergency Home Purchase Assistance Act, commonly known as the Brooke-Cranston program. Under this program the Government National Mortgage Association (GNMA) buys residential mortgages at below market interest rates and later sells them at market rates of interest.

Between 1974 and 1976 GNMA purchased about \$9 billion in single and multifamily home loans at about 7½ percent when market rates were approximately 9½ percent. Under this program a lender can issue mortgages for single or multifamily housing at below market interest rates in order to prevent severe declines in housing production and to enable American families to acquire home financing at reasonable interest rates.

Under the program the lender is assured that GNMA will purchase these mortgages at a specific price. Later GNMA will sell the mortgage on the market. The difference between the price GNMA pays and the price at which it sells is the amount of the subsidy. If interest rates should decline in the future, it is possible that there will not even be a loss.

Now Mr. President, some may ask why the Federal Government should be involved in such a program? I believe that such a program is necessary to reduce the severe impact of high interest rates on the housing industry. Furthermore it will help many Americans who are anxious to acquire their first homes, but who are caught in the clutches of a tight money and high interest rate policy.

Housing is an extremely cyclical industry. In 1977 and 1978 housing starts ran at about 2 million units per year. However, for 1980 housing starts are expected to fall to around 1 million units. Single-family units are expected to fall from 1,400,000 starts in 1978 to only 600,000 starts in 1980. The effect of this is not limited to the building trades, but to home furnishings, the lumber industry, and the home appliance industry as well.

The reason for the cyclical nature of the housing industry is monetary policy. Monetary policy caused a decline in housing starts from the 2.4 million level in 1972 to 1.2 million in 1975. Over the years, housing starts have averaged somewhat above 1.5 million a year. However, the cyclical nature causes lost output, unemployment, bankruptcy and ripple effects throughout the economy. Declines in housing are usually a forerunner of a national recession.

The Brooke-Cranston bill will not eliminate the roller-coaster ride which housing is experiencing. However, it will soften the fall. An additional 200,000 housing starts may prevent the crunch from being the worst since the 1930's.

In order to make the program work, we have to do two things: First, we need to pass S. 2177 in order to change existing legislation to meet today's housing market conditions. This includes revising outdated mortgage limits, sales price ceilings, and the interest rate. S. 2177 as reported by the Banking Committee would limit mortgage-purchase commitments to loans with interest rates no greater than the FHA maximum.

Second, the necessary loan purchase authority must be released in an appropriation act. As of this date, it is estimated that GNMA has \$15 billion in purchase authority which is not presently tied up in outstanding commitments or mortgages held in GNMA's portfolio.

What I want to stress today is the urgency of the problem. Housing starts in April will already be down to the 1 million per year level. That level is likely to continue throughout the year. That does not mean that housing demand has lessened or that the need is not great. It only means that interest rates are preventing people from buying homes at a price they can afford.

What may result from this decline in housing production is a shortage of housing which in turn drives up the cost of housing and destroys the confidence of many Americans that their hard work will pay off in a decent life for their families. One of the things that has made America so great is our fantastic ability to provide housing for our citizens. America is the envy of the world in terms of its housing stock. People in other nations have to wait years for homes which do not even meet their needs.

Here in America we have designed a unique set of incentives and institutions to meet our housing needs including the savings and loan industry, tax deductible interest, deductible property taxes, and VA and FHA housing subsidies. These institutions and incentives have contributed greatly to our ability to house our people in the post-World War II era. I am proud to say that I have supported these programs vigorously. They have in no small way made the American dream possible.

The housing industry is a good example of cooperation between business and Government. Using the ingenuity of our free enterprise system and selective intervention in the marketplace, we have created a housing stock second to none. However, during economic downturns, we need to supplement existing incen-

tives. Consequently, I support this bill. It will keep our homebuilders building at a time when the Federal Reserve is trying to make them lead us into a recession.

A program such as Brooke-Cranston need not be continued beyond the current recession in the housing industry. It is designed to be in effect only when housing starts fall below 1.6 million for 4 consecutive months. Brooke-Cranston is one example of a Government program that has worked. In a time when everyone is critical of Government programs, I think it is worth while to look at what we have accomplished in housing in the past and what can be done in the future.

Time is of the essence. Such a program is needed now. Every day that passes without it, more builders go out of business and more American families are deprived of their dream home. When this happens, not only are dreams destroyed, but skills are lost, unemployment rises, and the housing industry, the lumber industry, and the home appliance and home furnishing industry also suffer.

The Fed has already overreacted by raising interest rates to record levels which threaten to lead us into a deep recession. I think we have to counteract the excesses which their policies inflict on the homebuilding industry. I think we must act quickly because the downturn has come exceedingly fast.

Even Federal Reserve Chairman Volcker has indicated that actions to support the homebuilding industry are not inconsistent with the harsh medicine he prescribes for the economy as a whole. I hope that we will not attempt to put the whole burden of fighting inflation on the housing industry. Government must cut back its expenditures, consumers must restrain their borrowing and attempt to curb their purchases of expensive foreign energy, and industry must seek to become more energy efficient.

Together we can solve our inflation problems without placing the burden entirely on the housing industry. This will involve cooperation between Government and industry. Perhaps there is something to be learned from our past successes with housing which could apply to other sectors of our economy.●

#### AMENDMENTS TO S. 1722, CRIMINAL CODE REFORM ACT

Mr. DOLE. Mr. President, the Senator from Kansas would like to discuss six amendments which he may offer to S. 1722, the Criminal Code Reform Act of 1979, when it arises on the Senate floor. These amendments concern several areas of Federal criminal law which this Senator has felt to be of critical concern to this country; namely, the penalty provisions of the Gun Control Act of 1968, the exclusionary rule of evidence, the problem of preventive detention, the Foreign Corrupt Practices Act, the problem of forging endorsements on and trafficking in U.S. Treasury checks, bonds, and securities, and the need to confer proper arrest powers on State Department security officers for visa fraud, and the need to expand these officers' eligibility for

Federal law enforcement retirement program benefits.

Mr. President, these six amendments merit discussion and debate in detail. The Senator from Kansas would like to engage in such discussion now.

#### GUN CONTROL ACT AMENDMENTS

Mr. President, the Senator from Kansas would like to offer an amendment to section 1822 of the bill, dealing with the issue of gun control. This is a subject which has been of considerable controversy for decades. Certainly, we are all aware of the fact that guns are used in crime. Certainly, in 1968, the Congress sought to limit this problem by enacting the Gun Control Act.

In enacting the Gun Control Act of 1968, however, the Senator from Kansas is concerned that we may have overreached in imposing penalties which are too harsh for the type of regulatory violation offense involved. The current act imposes a felony classification for any violation of the Gun Control Act. Such classifications impose a very harsh penalty on many law-abiding gun dealers and collectors who may have committed some record-keeping violations inadvertently. These individuals are commonly harassed by the Bureau of Alcohol, Tobacco and Firearms (BATF) agents who raid their premises, search for evidence of violations of the act, often without reasonable cause to believe a violation has occurred, and arrest the gun dealers or collectors.

Mr. President, the definitions in the Gun Control Act are themselves vague, and this vagueness makes it all the more likely that innocent gun dealers and collectors will be found in violation of the act by some overscrupulous BATF agent. For example, in New Hampshire a few years ago, a disabled veteran was arrested and literally forced out of business by a BATF raid, when in fact, he thought his guns were "inoperable" and therefore not subject to the regulatory requirements of the act.

It is in order to curtail such abuses as these that the Senator from Kansas cosponsored S. 1836, the bill introduced by my distinguished colleague from Idaho, Mr. McCURE, last year. This bill seeks to curtail BATF powers to arbitrarily search and seize.

Mr. President, while BATF abuses are a major issue in the Gun Control Act another major area of concern is the issue of penalties. In the Judiciary Committee last fall, on S. 1722, the Senator from Kansas successfully offered a "compromise" amendment to section 1822, which reduces the penalty grade for "recordkeeping" violations of the Gun Control Act from a felony to a class A misdemeanor, unless the violation involved five or more firearms, in which case it is a class D felony.

Mr. President, this amendment was reached as a compromise. While it is a step in the right direction, the Senator from Kansas feels it does not go far enough, and that the attempt to distinguish between felony and misdemeanor on the basis of "five or more firearms," versus less than five, does not make sense. For one thing, it is unclear during what time frame the violation



involving five or more firearms must have occurred in order to constitute a felony. Is it a year?

The more serious problem is that this provision seeks to arbitrarily define "gun running" as a regulatory omission involving five or more firearms. This is an arbitrary figure and represents a dangerous precedent in that it could lead to different arbitrary number thresholds. A person may be honestly negligent in failing to comply with a regulatory provision for five guns, or six, or three, and it is incorrect to infer that he is deliberately engaged in a pattern of gun running, thereby justifying a felony classification.

Accordingly, Mr. President, the Senator from Kansas is offering an amendment today to eliminate this arbitrary distinction, and to classify any administrative violation of the Gun Control Act as a class A misdemeanor, regardless of the number of firearms involved.

Mr. President, this amendment is fair and just. It merely corrects an injustice in the current statute, and imposes a penalty proportionate to the crime involved. Let it not be said that this amendment will lead to an increase in crimes involving firearms. Sections 1823 and 1824 of the bill adequately concern the problem of crimes involving firearms. In addition, State laws regulate firearms in those areas which are particularly concerned with crimes involving guns.

Accordingly, Mr. President, the Senator from Kansas urges his colleagues to support his amendment to section 1822.

#### EXCLUSIONARY RULE AMENDMENT

Mr. President, the Senator from Kansas wishes to discuss an issue which has been a matter of some concern for many years to many of my colleagues, legal scholars, and law enforcement officers—the so-called exclusionary rule. This rule prohibits the introduction of evidence which has been seized in violation of the defendant's constitutional rights.

The Supreme Court, in *Mapp* against Ohio, has stated that the exclusionary rule is necessary in order to deter police from violating people's constitutional rights. The Court stressed, however, that the reason why the exclusionary rule is necessary is that there is no meaningful alternative to legislation to deter overzealous police behavior.

Mr. President, the Senator from Kansas would like to propose such an alternative on the floor now. This alternative gives the victims of unreasonable search and seizure a right to sue the Federal Government for damages in tort, through the Federal Tort Claims Act. In addition, the amendment provides that any police who have violated people's fourth amendment rights shall be disciplined. Since these provisions constitute adequate deterrence for police misconduct, the amendment also permits the admission of evidence seized.

Mr. President, this amendment would provide a better deterrent to overzealous police action than the exclusionary rule, because it makes the police officers personally liable and subject to disciplinary action. By contrast, the exclusionary rule merely excludes evidence in court; it

does not personally affect the interests or career of police officers, so they have less personally at stake than they would if the Dole Amendment were enacted.

Mr. President, the exclusionary rule is a classic case of overreaction to a problem which exists only in a small number of cases. The courts are forced to turn 10 guilty persons free just because they want to prevent one police officer from acting too zealously. Yet a better and more reasonable remedy for the victim of police zeal would be to award damages to the victim, but nevertheless force him or her to pay for their crime.

Mr. President, the exclusionary rule has been criticized not only for its overreaction to a problem, but also for its failure to actually deter police misconduct. An extensive study of the exclusionary rule by Dallin Oaks, commissioned by the Law Enforcement Assistance Administration 10 years ago, concluded that:

(T)oday, more than fifty years after the exclusionary rule was adopted for the federal courts and almost a decade after it was imposed upon the state courts, there is still no convincing evidence to verify the actual premise of deterrence upon which the rule is based or to determine the limits of its effectiveness.

Clearly, Mr. President, there is little or no evidence that the exclusionary rule deters unreasonable police search and seizures. When a police officer is faced with a situation where he feels strongly that evidence exists to reveal the commission of a crime, he is not likely to avoid searching for and seizing it merely because it might be excluded in court. The officer himself has nothing to risk by seizing this evidence, but a lot to gain if it is admissible. Consequently, he will most likely take the chance and engage in the search and seizure. Even Mr. Chief Justice Burger, in *Bivens* against six unknown agents of the Federal Bureau of Narcotics, has suggested that the deterrent effect of the exclusionary rule is not readily susceptible to empirical proof.

Mr. President, we must act now in order to abolish this irrational rule whose only clear effect is to turn loose guilty persons. If Congress seizes the initiative in Federal law, we could provide a model for States to follow.

Finally, Mr. President, the Senator from Kansas would like to point out that this amendment affects only evidence seized in violation of one's fourth amendment rights. It does not affect evidence seized in violation of the fifth or eighth or other amendment rights. The reason for this is that the fourth amendment type of evidence seized will be objective and reliable. It does not involve coercing a statement or subjecting a defendant to cruel and unusual punishment. Such evidence would still be excluded from court, and should be, because it may not be reliable. Thus, this amendment is limited in scope and reasonable.

The Senator from Kansas urges his colleagues to accept it.

#### PREVENTIVE DETENTION

Mr. President, the Senator from Kansas has been concerned for some time with the danger posed to society by cer-

tain offenders who are released on bail pending their trial. Statistics show that the rate of crime committed by such persons is considerably greater than the average crime rate.

Yet such offenders are still being released by courts throughout the country, on the basis that their constitutional rights would be violated if they were detained before being judged guilty.

Two years ago on the Senate floor, this Senator introduced an amendment to the Criminal Code Reform Act, S. 1437, which forbade a judge from releasing certain dangerous defendants pending trial, based on the nature of the crime in question and the degree of danger posed to society by the defendant in question.

That amendment was accepted by the full Senate, and became a part of S. 1437.

Based partly on the success of that amendment, Mr. President, the Senate Judiciary Committee last fall listened to significant testimony from witnesses on the subject of so-called preventive detention, and adopted a new "compromise" amendment which created section 3502 in the Criminal Code bill before us.

Section 3502 is certainly a step in the right direction. However, it is a middle course, and does not contain the formality, breadth, and complexity of a genuine preventive detention statute.

Section 3502 requires the court to consider the danger which a defendant poses to the community, but it gives the judge the discretion of imposing "extreme restrictions" on the liberty of this defendant. These discretionary release conditions are disturbingly vague. Judges are not given clear authority to impose genuine preventive detention on dangerous offenders. It is quite possible that one judge will interpret this provision as authorizing preventive detention, while others will interpret it in the opposite direction. Thus, the imposition of preventive detention may become an arbitrary, inconsistent aspect of the criminal justice system. It may become no better than the current system of de facto preventive detention, whereby some judges who philosophically favor preventive detention impose unreasonably high bail requirements on dangerous defendants, while other judges who oppose preventive detention set reasonable bail.

Mr. President, such an arbitrary system does not represent justice, and does not protect society from dangerous offenders. Accordingly, the Senator from Kansas is introducing an amendment which would clearly authorize courts to impose preventive detention on certain defendants, based on the previous criminal record of the defendant and the nature of the crime for which he has been arrested.

Under my amendment, preventive detention can be ordered if a person is charged with a dangerous or organized crime offense, and if he committed the offense while on bail, probation, or parole for a felony, or if he is a drug addict, or if he was convicted of a felony during the preceding 10 years, or if the Government certifies that he would pose a dan-

ger to the community if he is released, based on his prior and present conduct.

Mr. President, this amendment would clarify the obscurity posed by the present section 3502. It would protect society and permit the detention of dangerous offenders. The criteria for imposition of such detention are clearly set out in the amendment. This will assure fairness and consistency. We must not allow the slowness of our criminal judicial system to justify the release of dangerous offenders. We have an obligation to society to protect our people against such offenders. Accordingly, the Senator from Kansas urges his colleagues to support this crucial amendment.

#### FOREIGN CORRUPT PRACTICES ACT AMENDMENT

Mr. President, the Senator from Kansas wishes to introduce an amendment which would ease the burden on American companies seeking to compete for business with foreign joint partners abroad, where the custom in foreign countries may be to offer money to local government officials. While there surely is a need for ethical moral business practices in our companies, what we must realize is that our business must be able to compete effectively in world markets in order to alleviate our balance-of-trade deficit.

The current situation, due to the enactment of the Foreign Corrupt Practices Act in 1977, is such that if our companies considered entering into a joint venture with a foreign local partner, they will be subject to criminal prosecution under this act if their foreign partner engages in illegal conduct under the act. This act exerts the chilling effect on our companies. It imposes a system of vicarious liability which has no effect but to harass our business activity.

My amendment would simply exempt U.S. companies from this vicarious criminal liability under the act if they are required by foreign statute or request for bids to have a foreign local partner.

The amendment prevents the law from reaching U.S. corporate officials for acts which they themselves did not have knowledge of, and which they did not personally commit, but which their local partners may have performed in the ordinary course of business, and according to local custom.

Why should we attempt to dictate the practices of foreign governments and their officials? The events in Iran show how difficult it is for us to understand foreign customs, particularly in the Middle East. The only effect which the current law can have is to unilaterally punish our companies while our balance of payments suffer, and our businesses lose valuable business to firms of other countries.

The Senator from Kansas urges his colleagues to consider the reality of world business and custom. While we continue to suffer enormous deficits in our balance of trade, this is due only partially because of our dependence on foreign oil. It is also due partly to the fact that our businesses are prevented or deterred from selling goods and operating in the OPEC states and other foreign markets by legislation such as the Foreign Corrupt Practices Act. How can we talk

about rectifying our trade imbalance, and stopping the depreciation of the dollar, unless we allow our businesses to compete with our allies for business overseas? The construction industry estimates that \$15 billion worth of business has been lost in one Middle Eastern country alone in the past year.

It seems to the Senator from Kansas that we must prioritize our concerns, and that the health of our business and our dollar must receive top priority. The Senator from Kansas is merely urging his colleagues to realize that we cannot realistically hope to change foreign states' customs, and should not sacrifice our own business interests in a vain effort to do so.

Mr. President, this amendment will not encourage or permit our own business to engage in unethical conduct. It merely exempts them from vicarious liability for acts of their foreign local partners. I urge my colleagues to vote for it.

#### SECRET SERVICE FORGED INSTRUMENT AMENDMENT

Mr. President, the Senator from Kansas would like to draw his colleagues' attention to a serious problem which he feels merits immediate attention. The Secret Service, during its investigative activities, has observed many problems concerning lost or stolen U.S. Government securities. The problem is that there is currently a "gap" in the Federal Criminal Code, which does not give specific Federal authority to enforce the forging or trafficking of such U.S. securities, such as U.S. Treasury checks, bonds, and other instruments.

Federal jurisdiction exists only if the security has been stolen from the mail, or if the guilty party takes it across State lines and if the amount of the security is in excess of \$5,000, in which case 18 U.S.C. section 2314 is invoked by the FBI. Situations including intrastate trafficking of lost or stolen U.S. securities are referred to local police departments. However, the Secret Service notes a reluctance of local police authorities to become involved in such investigations. Local police lack experience, knowledge, informant funds, Treasury connections and nationwide manpower to properly investigate such cases. In addition, some State criminal statutes are no stronger than current Federal laws, concerning this problem.

Mr. President, the Secret Service sees the problem as causing severe problems with their increased involvement in intrastate "sting" operations, in cases where undercover agents purchase stolen U.S. bonds. In many cases where the Secret Service has discovered information and identified suspects, it has had to back off because of the Federal jurisdiction gap.

Mr. President, the bill before us today, S. 1722, does not fill this gap. Section 1731 deals with theft, and section 1732 makes it a felony to traffic in stolen property. However, those provisions do not provide Federal jurisdiction for a stolen or forged U.S. Treasury instrument unless it is stolen from the mail. In addition, section 1742, the provision making it a felony to forge, utter or pos-

sess a forged written instrument which is an obligation of the U.S. Government, does not contain a misdemeanor provision, which would expedite cases involving less than \$500 before magistrates.

These three provisions of S. 1722 are inadequate because they could not be used to prosecute an individual if the U.S. obligation was not in the custody of the Government at the time of the theft, or if the property did not meet any other circumstances required for Federal jurisdiction. For example, there could be no jurisdiction for trafficking of Government obligations stolen from an individual.

Mr. President, in order to rectify this problem, the Senator from Kansas is offering an amendment which would create a new section "1746." This amendment would make it a Federal crime, first, to forge an endorsement or signature on a U.S. Treasury check, bond, or security of the United States, or, second, to pass or attempt to pass such an obligation knowing that it bears a forgery, or, third, to knowingly exchange or possess, with knowledge of its false character, an obligation of the United States which has been stolen, or which bears a forged endorsement.

The penalty would be a class C felony if the amount of the obligation is \$500 or greater, and a class A misdemeanor if the amount of the obligation is less than \$500.

Mr. President, this amendment is a necessary part of the Federal Criminal Code, if we are to truly enable the Secret Service to investigate and arrest those who forge and traffic in forged U.S. Treasury obligations. The Senator from Kansas urges his colleagues to support it.

Finally, Mr. President, the Senator from Kansas may offer an amendment which would confer power on the State Department security officers to arrest persons who have committed visa fraud. In addition, the amendment would expand the eligibility of these State Department security officers for the Federal law enforcement retirement program.

Mr. President, the Senator from Kansas urges his colleagues to consider these proposed amendments as S. 1722 comes to the Senate floor. These amendments deal with issues of vital concern in present law.

#### EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1980

• Mr. LEVIN. Mr. President, I am pleased to sponsor legislation, S. 2518, introduced by Senator RIEGLE which will establish a program of emergency unemployment benefits for individuals who have exhausted their regular 26 weeks and extended 13 weeks of benefits.

This is an important piece of legislation as our national economy slips toward a recession. Indeed, more and more States are already in a recession. More and more States are qualifying for extended benefits and unless the economies of those States and of our Nation abruptly turn around, workers will be, in increasing numbers, exhausting their extended benefits and finding them-



selves without any source of income, except perhaps welfare. This is not an unfamiliar situation. From 1974 to 1978 Congress authorized a similar program to the one introduced today providing for an additional 13 weeks of emergency unemployment benefits.

Most States have 26 weeks of unemployment benefits and during high periods of unemployment qualify for an additional 13 weeks of extended benefits. These extended benefits "trigger on" in several ways. Currently, for the States which have qualified, this has occurred either when the insured unemployment rate has reached 4 percent for the previous quarter and 120 percent of the previous 2-year average for the corresponding quarter, or simply when the insured unemployment rate has averaged 5 percent or more for the previous 13 weeks. Aside from Alaska and Puerto Rico which are always on extended benefits, Michigan was the first State to "trigger on" due to the current economic downturn. Since October 1979, when Michigan qualified, seven other States have become eligible for extended benefits of 13 weeks. The Department of Labor is predicting that additional States will soon be joining the present 10, and, in fact, both Indiana and Wisconsin will become eligible this week. The program proposed today would "trigger on" 13 more weeks of benefits over a 13-week period.

Given the current state of the economy, this means that many workers will soon be without any benefits. In Michigan alone, there are 358,000 individuals collecting unemployment benefits and it is projected that each month 15,000 will exhaust their extended benefits. With an insured unemployment rate of 8.18 percent and a seasonal rate of 10.3 percent, these workers are not going to find very much work at any level available to them. New categorical assistance applications have reached the level of 75,000 per month in Michigan, 50 percent higher than the normal rate.

While the national insured unemployment rate is 3.15 percent, the actual unemployment rate for February 1980 was 6 percent and increasing. The administration's anti-inflation program as well as the budget cuts which are being discussed in Congress are not going to expand employment opportunities for Americans. We need to be prepared to assist our citizens and not wait until the situation becomes worse. We need a program of emergency unemployment benefits for workers in the 10 States which are on extended benefits and for the workers in the States which will be affected in the future. These workers are involuntarily unemployed and it is appropriate that we come to their assistance now as the Congress has done in the past.●

#### MIDDLE EAST

● Mr. HEINZ. Mr. President, as we move deep into this Presidential election year, the puzzling course of this administration's Mideast policy has taken another troubling turn.

While it is probably fair to say that our policy has taken more sudden jumps than one would see in a college basketball game, the President's latest 180 degree turnabout at the U.N. is the most dangerous and cynical yet. It brings us back nearly full circle to the President's statements early in 1977 regarding the legitimate rights of the Palestinian people. Initially our vote at the U.N. on March 1 would suggest that the President has decided that these "legitimate" rights also include Jerusalem.

The administration's performance since then has been—literally—unbelievable. We have learned at various times that the vote was all a mistake—a mere communications mixup; that we objected to the resolutions' references to Jerusalem; that it was a deliberate decision at the highest policy level reversed only when the growing protests from Israelis and Americans became obvious; that it was Vance's fault, McHenry's fault, the President's fault. Finally we have Secretary Vance telling Congress that the President reversed himself not because the references to Jerusalem contradicted U.S. policy but because they might upset the Egyptian-Israeli autonomy negotiations.

At this point I can only ask, Who does the President think he is fooling? Apparently he is trying to signal the Arabs he is on their side while telling the Israelis he supports them, with the result that he is leaving the American people holding the bag in terms of lost credibility and a failed policy.

Beyond that, what I fear this cynical ploy on the part of the administration represents is the triumph of the Arabists in the State Department at the expense of Israel and Jews all over the world. One might question whether the loyalty of these minions lies more with the enemies of our ally than with the nation that is truly our friend.

The tragedy of this sorry series of events, of course, is that regardless of which reason for our vote and subsequent change is correct, the damage has already been done to our policy and our credibility, and a rare opportunity to make some important progress in the region has been forgone.

Mr. President, the leaders of the nations in the Middle East are not fools. The President's efforts to treat them that way have succeeded only in alienating both Arabs and Jews. The latter do not know which of the many explanations to believe and therefore assume—correctly, in my opinion—the worst about the direction our policy is heading. The Arabs have a choice of unsatisfactory explanations as well but are also faced with the unalterable fact of a repudiated vote which they can only regard as duplicitous. As a result we are losing the opportunity to capitalize on growing hostility toward the Soviet Union on the part of a number of Middle East States.

The Soviet Union's blatant aggression and subsequent oppression in Afghanistan is graphic evidence to other nations near Soviet borders that the U.S.S.R. is not the benign peace-loving state it claims to be and that a major question

is who will be swallowed up next. The contrast between the army next door and the United States 8,000 miles away could not be starker. Unfortunately, instead of taking advantage of these developments to try to encourage a move away from the Soviet Union by Arab States, we have lost what credibility we have had through our United Nations flip-flop.

This is not the first time the President has lost his grip on foreign policy, nor is it the first time the administration as a whole has made ineptitude a new art form. In the beginning we could chalk it up to inexperience—unfamiliarity with running a huge bureaucracy. Now, with three-fourths of his term gone, it is too late for that excuse. Indeed, it is too late for any excuse—the damage is already done. There is not a leader in the world—either in the West or the Eastern bloc—who has any idea what Jimmy Carter's foreign policy is or what this administration will do next. In a world already unsettled by rapid economic and social change, skyrocketing oil prices and the threat of nuclear proliferation, an uncertain and inconstant hand at the helm of American policy is a disaster, particularly so in the Middle East. A recent column by Joseph Kraft eloquently sums up the magnitude of the President's foreign policy problems, describing our current situation as "a policy on the edge of collapse." I would go a bit further and suggest that our policy already has collapsed in the eyes of Arabs, Israelis, and Americans and that it is past time for a change of policy and personnel.●

#### SENATOR KENNEDY ON THE MIDDLE EAST

● Mr. METZENBAUM. Mr. President, in an interview that appeared in the March 30 edition of the Milwaukee Journal, President Carter dismissed as politically motivated Senator KENNEDY's criticism of the "mistaken" U.N. Security Council vote on Israel: "It is obviously highly advantageous," the President said, "to greatly favor the Israeli position \* \* \* as we approach the New York primary." But, he continued, "I cannot modify our positions or yield to the temptation to mislead the American people or to demagogue an issue just to get a few votes."

I found these remarks by the President disappointing because I believe that the issues raised by the U.N. vote go beyond any domestic political calculations. As I have stated on the floor of the Senate, our vote for a resolution that implicitly accepts the PLO case for a Palestinian state raises fundamental and wholly legitimate questions about the true direction of the administration's Middle East policy.

Senator KENNEDY is one of many, myself included, who have questioned the firmness of the administration's commitment to the security and survival of Israel. He is one of many, myself included, who have called upon the administration to provide answers to the obvious questions that its own contradictory policies and pronouncements have engendered.

And in reviewing Senator KENNEDY's

statements on the Middle East in general and the U.N. vote in particular, I see no reason whatever to characterize them as in any way demagogic or misleading. To the contrary, his remarks have been thoughtful, perceptive and very much in line with the concerns that many of us in the Senate have expressed.

Mr. President, I ask that the texts of Senator KENNEDY's speeches before the Jewish United Fund of metropolitan Chicago on March 14, the American Jewish Congress in New York City on February 24, the Anti-Defamation League of B'nai B'rith in Palm Beach, Fla., on February 7 and the Conference of Presidents in New York City on January 28 be printed in the *Record*.

The text of the speeches follow:

ADDRESS OF SENATOR EDWARD M. KENNEDY

It is an honor and privilege for me to be here this afternoon with so many distinguished leaders of the Chicago Jewish Community. I am grateful to your Public Affairs Council Chairman, Joel Sprayregen, for the opportunity to address this gathering, and I commend him for his dedicated efforts in the cause of Soviet Jewry.

And I also thank Philip Spertus, the Board Chairman of Spertus College of Judaica, for permitting the use of Bederman Auditorium.

I commend this college as well, with its unique past and its current role as a center of Jewish culture and Jewish history, the only non-denominational institution of higher education in Jewish studies in the Midwest.

The Bernard Rochelle Zell Museum has special meaning. The holocaust memorial teaches us of the suffering and horror of the Nazi terror. A month from now, on your annual day of remembrance, Americans everywhere will join in commemorating the courage and faith of the Jewish people.

The words of a holocaust survivor are grim reminders of the nightmare: "The survivor's eye is a mirror. You cannot look back and fall to see the darkness." For all peoples, there is a memory not just of the pain and anguish, but of the indestructible spirit of the Jewish people.

I have walked through the memorial at Yad Vashem. I have seen the names. I know that some among those names also are etched on the six pillars of the memorial here. And I renew the pledge, "Never again."

We meet in troubled times for the United States in domestic and world affairs. We share a deep concern about the darkening clouds that cast their shadows over our economy, and that create a future fraught with fear and desperation for millions of people in every section of our nation.

Here at home, we feel the heavy pressure of inflation on the elderly, the poor, and families struggling to buy a home and educate their children.

When the economy is wrong, nothing else is right. The social fabric of this nation cannot endure rates of inflation that now touch 20 percent and threaten to soar still higher. America cannot endure interest rates that now surpass 18 percent and march in lock-step with rising prices.

For the past three weeks, the President and his advisers have been pondering the economy, wondering what to do to bring inflation down. Now, they are about to unveil yet another plan, and all of us must hope that the measure they finally recommend will be strong enough to do the job.

But the signs are not auspicious. Symbols are no substitute for strength, and a balanced federal budget is not tough enough to stop inflation. The time has come to use real bullets in the war against inflation. We cannot keep on shooting corks.

In fact, the Administration's version of a balanced budget may actually be a setback in the war against inflation. It appears that their balance will pend on revenues obtained by raising the price of gasoline. It makes no sense to fight inflation by raising prices. It makes no sense to pour gasoline on the fires of inflation by raising the price of gasoline. It makes no sense to win the battle to balance the federal budget and lose the war against inflation.

We can stop inflation. We can stop it in its tracks. And we can do it fairly, through a freeze, followed by mandatory controls across the board on every aspect of the economy—prices, wages, profits, dividends, interest rates and rent—while we put the long-run steps in place essential to revitalize the economy and keep inflation down.

The greatest danger today is that we face an economic point of no return, similar to the one we faced in the 1930's before Franklin Roosevelt took command. America is slipping into the worst economic crisis since the great depression and the days of Herbert Hoover, and we need a new leader to take command.

We cannot afford incompetence at the highest levels of national leadership. Our economic future is too important to gamble away through failing policies based on symbols and good intentions that have no chance to work.

The stakes are very high. If expectations on the economy again are disappointed, if present steps prove hopeless to the task, then we may face years of even worse decline, while other nations with wiser policies and more competent leaders take America's place in the forefront of leadership in the world.

So look closely at the policies to be disclosed this afternoon. And ask yourselves if they are really adequate to meet the challenge now before us.

In foreign policy as well, we face the same growing doubts and questions about our country's competence.

You do not need to look only at Cuba, Iran, or Afghanistan to see the omnipresent failures. For Israel has also paid the price of the President's mismanagement of foreign policy. Again and again in the past three years, the Administration has sent deliberate signals on the Middle East that have shaken the confidence of our surest and most dependable ally in that troubled region of the world.

In 1977, the Administration tried to bring the Soviet Union and the P.L.O. into the peace negotiations. That should not have been the policy of the United States.

In 1978, the Administration sold sophisticated military weapons to Saudi Arabia, a declared enemy of Israel which continues to reject the Camp David peace accords. That should not have been the policy of the United States.

And in 1979, the Administration's National Security Adviser shook hands in public in Algiers with the leader of the P.L.O. And that, too, should not have been the policy of the United States.

Every friend of Israel must have growing doubts about the prospect of a second Carter Administration. Would they resume their contacts with the P.L.O.? Would they launch new efforts to amend Resolution 242? Would they seek solutions that are inconsistent with a genuine and lasting settlement? Would they seek peace at any price—even at the price of Israel?

The latest and clearest evidence of their inclination is the President's appalling betrayal of Israel two weeks ago in the vote at the United Nations. I am proud to say that, to my knowledge, I was the first public official in this country to speak out against that vote.

Within hours, the Administration began to circle its wagons. They tried to quell the

firestorm of protest that erupted over the shameful vote against our closest friend, the most stable government and the only democracy in the Middle East.

After two days of urgent meetings in an atmosphere of crisis, the Administration released a statement saying the U.N. vote was all a mistake. They told us that the resolution contained references to Jerusalem they thought had been deleted in negotiations before the vote.

But the references to Jerusalem were not the only flaw in the resolution. Its text was a stark attack on Israel in almost every line. Even if there had been no mention of Jerusalem, the United States should never have voted for a resolution on the Middle East that ignored and undermined Security Council Resolutions 242 and 338. Even if there had been no mention of Jerusalem, the United States should never have voted for a resolution that calls the West Bank "Palestinian territory."

So today, Israel and other friends of the United States must wonder what kind of ally always has to say it is "sorry."

It is unacceptable for the President to explain that he never took the time to read the resolution. It was not a complex document, nor was it filled with legalistic phrases. Its page-and-a-half of text contained less than a thousand words, a few minutes worth of reading, in which every flaw was plain.

The Administration asks us to believe that the mistake in the U.N. vote resulted from a communications gap between the Secretary of State and our mission at the United Nations.

But was it a communications gap or a credibility gap? If it was only a communications gap, why did it take two full days of round-the-clock meetings between the President and his political advisers to decide that a mistake had actually been made.

And why does a President who proudly quotes from Harry Truman and says the buck stops here, now pass the buck to Cyrus Vance?

Yesterday, fueling the fears of cover-up, the Administration invoked executive privilege to prevent disclosure of the documents that can alone resolve the growing doubts about their credibility. What do they have to hide? Why are they reluctant to see the facts laid out on the public record?

So far, the claim of executive privilege has been asserted only by a subordinate official in the State Department. Today, I call on the President to revoke that claim, so that all the documents may be submitted to the Senate and House committees, and so that every official of the Administration involved in the events may testify before those committees.

All of us wish for an early end to the confusion and disarray that plague our foreign policy. Events like these damage the nation abroad and weaken our confidence at home. They have become an all-too-frequent occurrence in the past three years, and they raise growing doubts about the competence of the present Administration to manage foreign policy in a dangerous world. Neither the people of America nor the people of Israel should pay the price of a foreign policy that fails to meet the tests of clarity and consistency, steadiness and strength.

A Kennedy Administration will never act in ways that give aid and comfort to the enemies of Israel. A Kennedy Administration will never negotiate with a P.L.O. sworn to destroy Israel. A Kennedy Administration will never try to dictate the terms of peace in the Middle East, or allow itself to be trapped in the embrace of the bloc at the United Nations that seeks at every turn to embarrass and repudiate the State of Israel.

These pledges are not just the fleeting promises of a single election year. They reflect a seventeen year record of service and



commitment that I am proud to place before you today.

Indeed, my direct involvement with Israel predates my Senate career, beginning with the first of my five visits to the Holy Land.

I have walked among the people of Israel. And I have sensed their feeling of exposure to enemies on every side.

I have walked with Teddy Kolleck through Jerusalem, a holy place where all religions now can worship in every corner.

I recognize the age-old tie to the City of David. Never again can Jews be denied the chance to pray at the ancient wall. Never again can we permit the City of Jerusalem to be divided. Never again can we see its unity as a Holy City destroyed by barbed wire and fences. I am committed to an undivided Jerusalem, just as I am committed to an Israel with secure, defensible, and recognized borders.

In other ways, I have expressed my commitment in the past.

I worked for the transfer of F-4s during the war of attrition. I worked for immediate arms shipments during the first perilous days of the Yom Kippur War, before Israel's brave forces turned the battle's tide.

I spoke against, and voted against, the Administration's sale of fighter aircraft to Saudi Arabia. I would do the same today. It makes no sense for America to arm the foes of Israel with weapons that one day may become the armaments of aggression against our ally. America must never yield to blackmail, or barter the future of Israel for a barrel of OPEC oil.

In other ways as well, I have stood with Israel and her people. In nearly two decades in the Senate, I have supported every foreign assistance bill and every special measure appropriating funds for Israel.

Last December, I called for a \$350 million increase in economic aid, to offset Israel's spiraling inflation and her soaring cost of energy. We know the high cost that Israel is now enduring to implement the Camp David peace accords, and we must help to ease the burden of that cost.

My concern has extended not only to Israel and her people, but to Jews in the diaspora still suffering the evils of anti-Semitism, whether in the Soviet Union or Argentina or any other place on earth. And the record shows that the rhetoric of concern can be translated into the reality of achievement, through the political power of individual initiative.

It is with pride and satisfaction that I tell you of Soviet, Romanian and other families I have helped to reunite, and of the dissidents who have been released because I intervened—courageous men and women like Benjamin Levich, the world-renowned scientist, or Boris Katz and his daughter, Jessica, or all the others who were persecuted because of conscience and religion, and who now live in Israel's freedom.

In closing, let me say that it is not always easy for Americans to understand the special burdens of the people of Israel. We do not have to live in a sea of hostility and fear. But the people of Israel do. We do not have to live our lives surrounded by nations pledged to our destruction. But the people of Israel do.

In a few weeks, Jews will be celebrating the Passover ceremony, teaching their children again of the liberation of the Jewish people.

Four times in the Book of Exodus, the pledge of liberty is made to the people of Israel. And four times on Passover, a cup of wine is raised to symbolize that call for freedom.

This year, when the cup is raised, may it bring full freedom to the people of Israel and the Middle East—freedom from war and fear, freedom from want and oppression.

For peace is all that Israel asks.

Peace, as the Prophet Micah wrote, so that "they shall sit, every man under his vine and under his fig-tree, and none shall make them afraid."

Peace, as the Torah teaches, so that "the desert shall rejoice and blossom as the rose . . . and they that wait upon the Lord shall renew their strength."

Let us seek that peace together. Let us work to make the dream come true. Let us praise the cup of Passover, and truly say, "Next year in Jerusalem."

ADDRESS OF SENATOR EDWARD M. KENNEDY, AMERICAN JEWISH CONGRESS, NEW YORK CITY

Thank you, Marshall Cogan, for that generous introduction.

It is a pleasure for me to be here this evening and to share this platform with so many distinguished citizens and leaders of our society. I was deeply honored to receive the Stephen S. Wise Award earlier this evening from the American Jewish Congress, presented to me by a distinguished lawyer—my friend and Harvard classmate, Arthur Liman. Your Congress has enlightened the nation by enriching American democratic principles with traditional Jewish values. Your organization has embodied the spirit of one of our founders, Justice Louis Brandeis, who once said that the twentieth century ideals of America have been the ideals of the Jewish people throughout time.

I am honored to be associated with the memory and the meaning of the life of Rabbi Wise. With his fearless soul, his independent thought, and his clear voice, he truly was one of the wise and just men of American history.

His words on leadership echo with searing eloquence in our own era. "The Minister," he said, "may from time to time be under the necessity of giving expression to views at variance with the views of some, or even many, members of the congregation. Far from such difference proving the pulpit to be wrong, it may, and oftentimes is, found to signify that the pulpit has done its duty in calling evil evil and good good, in abhorring the moral wrong of putting light for darkness and darkness for light."

His counsel commands that we reject the complacency of conventional wisdom. In our generation, they require of us a renewed commitment to end the inequity, injustice, and intolerance that still stain our society.

There are those who say that our best hopes are helpless against the reactionary tide. But their pessimism is self-fulfilling prophecy.

I say with Stephen Wise that "injustice and inequity must cease to be, and the requirement of the Lord, which is justice, must become the voluntary bond between our people."

The American Jewish Congress has sought to strengthen that bond. You have not limited yourselves to sectarian concerns. You are now proudly celebrating the 35th anniversary of your Commission on Law and Social Action.

My public career and my presidential campaign alike are pledged to the goal of this Commission—"full equality in a free society for all Americans."

We have great gifts of talent and technology. We must give of them to bring food to the hungry, health care to the sick, quality education to our children, and jobs for the unemployed. We cannot permit the misuse of these gifts to degrade our environment, to comfort the few and afflict the many, to make Orwell's dark vision of 1984 the world's dawning fate, and even to threaten the existence of civilization itself.

We must continue and complete the

works of social justice and economic democracy.

The first imperative is to restore the condition of our economy.

A sound economy is the finest social program America ever had. When the economy is weak, there are inevitable and increasing disputes over how to divide a shrinking pie.

America is slipping into the worst economic crisis in half a century—the worst since the days of Herbert Hoover and the Great Depression.

Inflation now races ahead at an annual rate of 18 to 20 percent. Interest rates climb above 16 percent. A new recession looms on the horizon of our economy, with government itself making the unprecedented prediction that 1.5 million more Americans will lose their jobs this year because of rising unemployment.

Behind these cold statistics lie real human tragedies. Public surveys report that Americans are fearful for their future. And they worry that their children will live in a lesser land and at a lower standard of life.

It is not just a matter of economic philosophy. Elderly persons huddle in small apartments, trying to make cruel choices between heat and health and food and rent. Young couples find their savings stretched too thin to buy a home. Parents recoil before the cost of health care for their family, and worry that they cannot afford to educate their children.

In countless ways like these, the sudden sinister shadow of inflation has fallen across our nation's future. We must honestly face this situation. We must not accept a future in which Americans expect relentless economic decline. Instead let us resolve to match our commitment to our capacity—and to make America prosperous again.

Economic distress and human suffering demand bold action. The time for temporizing is over. The last resort is now our only resort if we are to restore the economy to an even keel.

We must break the psychology of inflation with an across-the-board freeze on prices, wages, dividends, interest rates, and rent. Only controls can restrain the march of inflation; only then can we reduce the risk of a deeper recession that will further poison our economy and further divide our people.

In recent days, respected experts in the financial community of this city have joined the call for such controls. Momentum has begun to swell for action.

It may well be that the alarming surge of inflation in recent weeks reflects in part a rush to higher prices by firms that hope to beat controls.

We must act now, before a new round of anticipatory price increases drives inflation to even higher levels. The only way to stop inflation is to stop it in its tracks. Lesser steps have failed and now we need controls.

Controls are short-term measures. But they will buy the time we need to put in place long-term programs to stimulate investment, productivity, competition, foreign trade, and an energy policy that relies on the efficient use of renewable sources. And in this way, we can bring our economy back to health.

The second imperative of social justice is to assure that our prosperity is fair.

There is a hidden form of runaway spending in our tax code. Special interests manage to avoid taxes by taking advantage of loopholes that siphon funds from our federal treasury as surely as any spending program.

When President Carter took office, tax subsidies totaled \$110 billion. Today, they have risen above \$200 billion. And in 1978, Congress passed and the President approved one of the most regressive pieces of tax legislation in history. The internal revenue code is the most expensive welfare program of all—but it is welfare for the wealthy, and it cries out to be made more fair.

If we persist in widening the gap between the many and the few, if workers continue to feel that their taxes are too high because others pay too little, we will enter a period of gathering bitterness and anger. Tax reforms to end unjustified tax preferences are essential to the social compact that holds this country together.

The third imperative of social justice is to make health care a matter of right, not privilege.

We are the only nation in the industrialized world outside South Africa that does not have a system of health insurance to guarantee decent care for every citizen. Instead, we have a non-system that provides the very rich with unparalleled care, the very poor with abysmal care, and all of us with expensive care.

There is a two-class system of medical care in this country—one for those who can pay, with private physicians and private hospitals, and another for those who cannot, with public hospitals and their salaried physicians.

The private system is strong, sustained by a regime that allows whatever the traffic will bear to be paid for medical services.

The public system is on the brink of collapse, because public hospitals must accept all patients, whether they can pay or not, whether they have insurance or not.

There is a public hospital crisis in the major cities of this nation. Public hospitals—the last refuge of those with nowhere else to go—are threatened with extinction here in New York, in Chicago, and all across the land.

And when a rare private hospital, like the Brooklyn Jewish Hospital, commits itself to serve the poor, it comes to the brink of closing down.

I am proud to have been able, with Senators Javits and Moynihan and Governor Carey, to convince the Carter Administration to save Brooklyn Jewish Hospital. But there are other Brooklyn Jewish Hospitals in this nation, and countless public hospitals whose doors will close unless our health care system is cleansed of these abuses.

How a nation cares for the ill is a powerful measure of its humanity, and its humanity is the truest measure of its greatness. Surely, a nation of our wealth can secure the basic human right of health—and we can gain that health security in the next four years.

The fourth imperative is a federal budget that seeks social justice.

For the past three years, we have seen a pattern of reductions in programs for housing, education, the elderly and the unemployed. Now we have a new budget that tells only the poorest among us to ask what they can do for their country.

It asks two million children to give up school lunches.

It asks 900,000 jobless workers to go without unemployment benefits.

It asks 90,000 more of the unemployed to do without public service jobs.

It asks the homeless to make do with fewer public housing units than Richard Nixon allowed them.

The elderly have borne the heaviest burden of displaced budget priorities in the past three years. Every year, the level of housing for the elderly has declined. Every year we have had to fight against Administration reductions in home health care—reductions that would consign many of the elderly to live out their lives in dreary institutions.

Last year, we even had to fight against the unprecedented effort of a Democratic Administration to reduce social security benefits.

And this year we must fight again for adequate programs in nutrition for the elderly. In Jewish community centers across the country, that program draws retired people together to share a meal and each

other's company. We cannot accept a budget that calls on us to deny the needs and dignity of the elderly.

And now the elderly, along with other New Yorkers, face higher subway fares or higher state taxes to save the present fare. The Carter Administration has been unresponsive in asking Congress for enough mass transit operating expenses. There is nothing in the windfall profits tax either.

For the Jewish community, the claims of the elderly have a special priority. No community has a higher percentage of people over the age of 65.

In countless ways, the American Jewish Congress has spoken for the elderly. You and I have stood together in that struggle. And together, in the next Administration, we will give the guarantee of a secure life to the elderly, in return for all they have given to the life of this land.

A fifth and fundamental imperative of social justice is to strike at the roots of intolerance, bigotry, and discrimination.

Not a single state has ratified the equal rights amendment since this Administration took office. The next President must commit all his efforts to see to it that ERA will become the 27th Amendment to the Constitution of the United States.

Stephen Wise viewed this issue as a moral one over half a century ago. He wrote then: "The woman's movement rests upon the cardinal truth that inasmuch as life is a sacred thing and personality inviolable, woman ought to be as free as is man to determine the content of life for herself."

Whether it is the majority who are women, or the minority who are not white, or the millions who share the faith of the Old Testament, intolerance against anyone threatens tolerance for everyone.

When a cross is burned on the front lawn of a black church in Maryland and a black child asks "Why?" national leaders have an obligation to answer—and to act so that it will not happen again.

When a swastika is scrawled on a synagogue wall, a desecration that has already occurred in 1980, an Administration must speak—and law enforcement agencies must prosecute.

We have seen the sinister spectre of anti-Semitism rise again and again. We have seen the Holocaust of the Nazis. And now we see the persecution of Jews in the Soviet Union.

I have worked for emigration from the Soviet Union. I am proud that I have helped to reunite many families. And I am proud that this concern reaches across the years in my family.

On March 3, 1897, my grandfather, Congressman John F. Fitzgerald, asked the House of Representatives to resolve:

"That the Secretary of State be requested to demand from the Russian government that the same rights be given to Hebrew-American citizens in the matter of passports as now are accorded to all other classes of American citizens."

In Argentina, in Syria and other Arab countries, anti-Semitism has been condoned by governments. It has been made into a weapon against the State of Israel. Indeed, Israel is the ultimate target at which all the attacks on the Jewish people are now aimed.

In the years ahead, I will stand, as I have always stood with Israel, our surest ally and our closest friend in the Middle East.

No member of a Kennedy Administration will ever deal, openly or covertly, with a P.L.O. committed to the destruction of Israel.

What must all friends of Israel think of this Administration's on-again, off-again flirtation with the P.L.O.? What must they conclude when our U.N. Ambassador is forced to resign for negotiating with the P.L.O.—only to discover that our Ambassador to Austria is also doing so—and that Mr. Carter's national security adviser is shaking hands with Arafat in Algiers?

This is an election year; but how soon after the election would this President resume his attempt to amend U.N. Resolution 242 to appease P.L.O. demands?

I have a very different view. I believe that our bonds with Israel are deeply rooted in moral commitment and common values. And they are founded on a realistic view of America's own security interests.

It is a fundamental fact that Israel deploys the most powerful armed forces in the Middle East.

It is a fundamental fact that Israel has protected American interests in the past, and that Israel will do so in the future.

Support for Israel is not an act of charity; it is an act of national security. And America must never barter the safety or future of Israel for a barrel of oil.

It is not always easy for Americans to understand the special burden on the people of Israel. We do not have to live in a sea of hostility and fear. But the people of Israel do. We do not have to live our lives surrounded by nations pledged to destroy us. But the people of Israel do.

Peace is all that Israel asks.

Peace, as the prophet Micah wrote, so that "they shall sit, every man under his vine and under his fig-tree, and none shall make them afraid."

Peace, as the Torah teaches, so that "the desert shall rejoice and blossom as the rose . . . And they that wait upon the Lord shall renew their strength."

But this work is also our own.

And in the 1980s, we cannot wait to renew the strength of our commitment to justice.

In the words of Martin Luther King, Jr., "We are faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now."

We cannot allow four more years to pass while children grow up in despair in racial ghettos. We cannot wait while sick children cry in the night and their parents cannot afford a doctor. We cannot wait while more workers lose their jobs, more families lose their homes, and more Americans lose their hopes.

We have work to do together, if we are to be faithful to our stewardship and the heritage of this land.

So join with me now in keeping the ideals of Stephen Wise and the command of Isaiah—"to undo the heavy burdens and let the oppressed go free."

#### ENERGY SECURITY FOR AMERICA

(Address by Senator EDWARD M. KENNEDY)

It is an honor for me to be here this evening with Max Greenberg, Matty Rosenhaus, Nate Perlmutter, Dave Brody, and so many other friends, particularly Rabbi Schindler and my Massachusetts friends—and I see Judge Rose, Bill Sapers and Sol Kolack—and to participate in the semi-annual meeting of the National Executive Committee of the Anti-Defamation League of B'nai B'rith.

I join you in honoring Dore Schary, not only for his brilliant artistic career, but also for his vital contributions to ending religious and racial bigotry in our society. The fight for civil rights and civil liberties for all Americans has been the great cause of our generation. We have stood together and fought together in that cause. ADL can be proud of its role in the progress that has been made and proud of its commitment to carry on the struggle.

We confront many issues in the first year of a new decade, but there is only one central question: Can we, as individuals, as families, as communities, and as a nation, regain control over our own destiny?

A decade ago, Americans were debating—in the Congress and in the streets—whether we should try to shape the fate of other nations. Today, we wonder whether we can control our own.



The 50 Americans held hostage in Iran symbolize the general captivity of the American condition. We hope they will soon come home, but we also know that they are not the only hostages that are now being held. At home, our economy remains hostage to relentless inflation. Workers are hostage to rising unemployment and to recession. Our oil supply continues hostage to the whim of wealthy sheiks who now stand under the shadow of Soviet power. And our democracy itself is hostage to the political strategy of an incumbent President who prefers the silence of the Rose Garden to the sound of free and full debate.

Israel may soon join America as hostage to the incoherent and inconsistent policies of the Carter Administration.

What must all friends of Israel think of President Carter's on-again, off-again flirtation with the PLO? What must they conclude when our UN Ambassador is forced to resign—only to discover our Ambassador to Austria contacting the PLO and only to observe Mr. Carter's national security adviser shaking hands with Arafat in Algiers? How soon will it be before this President resumes his offensive to amend UN Resolution 242 to accommodate PLO demands?

Let me say here and now that there would be no such incoherence and no such inconsistency in a Kennedy Administration. No member of a Kennedy Administration will ever negotiate or deal with representatives of a PLO committed to the destruction of Israel. No Kennedy Administration would cast doubt on Israel's right to survive and prosper within secure, defensible and recognized borders.

Faced with increased stability and increased violence in the Middle East and Southwest Asia, the Carter Administration is desperately arming Moslem states with sophisticated weapons that can be used against Israel. The Administration is obsessed with the notion that appeasement on the West Bank and the Gaza Strip will somehow rally Islam against the Soviet threat.

These facile panaceas proved wrong in the past and are wrong today. There is no stable and democratic nation in the region except Israel, and we should take care not to supply sophisticated, offensive arms to a moderate government which its radical successor can use to destroy the state of Israel. I am proud of my opposition to the Carter Administration's 1978 arms package for the Middle East, and I will continue to oppose arms sales which will jeopardize the security of Israel and the stability of the Middle East.

And I will oppose policies which will lead to the creation of a PLO state—a dependent on the Soviet Union, a dagger pointed at the heart of Israel, a wellspring of instability for all moderate states in the region. Israel has an interest in a fair and enduring solution of the Palestinian issue. But never should Israel be sacrificed to the oil politics of the Persian Gulf.

The Anti-Defamation League knows all too well the divisions between Jewish, black and other communities created when President Carter failed to acknowledge that it was the failures of his Administration—not those of Israel—which forced his UN Ambassador to resign last year.

Consider the damage created by months of flirtation with the PLO, months of damage to the alliance of Jews, blacks and all good people for racial and social justice. As one long committed to this alliance—our alliance—I was heartsick over the intolerance bred of Administration insensitivity and incompetence. And I remember vividly joining with Sol Kolack and Bill Sapers and Dave Rose in this audience to re-construct this alliance, piece by piece, in our native New England.

Neither America nor Israel can afford four more years of captivity to the stops and starts

of Mr. Carter. Our challenge in the decade ahead is to regain control, take charge, and order our common destiny.

We do not have to accept policies that rely solely on reaction and that are the opposite of leadership. Good intentions are not enough; performance is still the test by which a president should be judged. Americans know that we are not doing the best we can. Surely we are not ready to admit that America is second best. This nation is not ready to regard failure as a virtue.

There are many things which government and the people must do together to regain control and restore our national self-respect. In the course of this campaign, I have described the steps we must take in specific areas of foreign and domestic policy. A critical and necessary task ahead is to end our excessive dependence on foreign oil and to achieve the goal of real energy security for America.

Our petroleum paralysis threatens both the peace and our prosperity. We must protect ourselves and our allies from oil cut-offs; we must remove the oppressive burden of OPEC price increases from our domestic economy.

Only by putting our energy house in order can we free our foreign policy from the pressure—and the appearance of pressure—by the OPEC nations and by the Soviet Union. Only an energy secure America can do what is in America's interest. Only an energy secure America can do what is right for the Middle East and Persian Gulf. Only an energy secure America can assure a thriving Israel and maintain our Atlantic and Pacific alliances.

The lessons of Iran and Afghanistan are clear. We must assure our security and end our energy dependence now, before new and unpredictable Iranians catch us short and unprepared again.

Energy security begins at home—with cuts in energy consumption. I believe we should ration gasoline now—not on a standby basis, as the Administration has proposed; not unfairly and not by price, as the Administration prefers.

America must free itself from its oil addiction on the Persian Gulf. A decision to discipline our consumption of oil will send a message not only to OPEC, but to our allies and our adversaries that we are ready to break our petroleum paralysis. By demonstrating resolve at home, we can become stronger abroad.

In addition to rationing, we must take other urgent measures:

First, we must pursue an aggressive program of energy conservation in homes, industries, and commercial buildings. Only by using energy efficiently will we extract the maximum power from minimum energy.

Second, we must be able to significantly increase domestic oil production in the event of shortage. Not only an energy-lean America, but an energy-ready America must be able to look OPEC in the eye.

Third, we must fill the Strategic Petroleum Reserve without delay, to protect against sudden cutoffs of foreign oil, and our allies should do the same. The Administration originally pledged to achieve a six-month reserve by the end of the last year, but today we have only a 45-day supply. The empty storage domes in Texas and Louisiana are silent testimony to the reckless gamble the Administration has wagered with our national security. If the crisis over the Persian Gulf is as serious as the Administration claims, the reserve should be full today, not three-quarters empty.

In the longer run, we must develop alternative sources of energy. Winston Churchill warned 67 years ago: "Safety and certainty in oil lie in variety alone."

A strong conversion program is essential to speed the process of shifting utilities from oil to coal. But for three years, the Depart-

ment of Transportation and the ICC have been feuding with the Department of Energy over the charges for transporting coal from Montana to Texas. The absurd result is that Corpus Christi is importing coal from South Africa, and San Antonio has started coal negotiations with Australia.

I am also committed to a solar economy. Let us ensure, by the year 2000, that fully 20 percent of our energy needs will be met by harnessing the common resource of all the earth, the light and power of the sun.

As we reduce our dependence on OPEC oil, we must obtain a better bargain with the oil-producing states. In return for American security guarantees in the Middle East, they should be willing to assure more certain supplies of oil at more stable prices.

Last year, for example, the United States provided over \$6 billion in military supplies to Saudi Arabia, including sophisticated, offensive arms which I opposed. Yet just last month the Saudis raised the price of oil by another \$2 a barrel.

We must support a Saudi Arabia that can be secure and free of Soviet influence. But security is a two-way street. If Saudi Arabia requests American assistance in the interest of its national security, then Saudi Arabia must exercise restraint on oil prices in the interest of America's energy security.

American action to achieve energy security must also be matched by a readiness to protect our interests in the Persian Gulf.

There must be no doubt that America will do what it can and must to keep strategic sea routes open and to strengthen the region against internal disruption and aggression from the Soviet Union and radical Arab states.

But today there is a great doubt about these capabilities. I am dismayed by the recent testimony of the Chief of Naval Operations that we have a one-and-a-half ocean navy where we now face a three ocean threat. Mr. Carter says he supports a strong Navy, but his defense budget fails to fund the ships and planes we need even to maintain existing levels, while he goes along with gold-plated weapon systems such as the nuclear aircraft carrier.

Even when we have reduced, and eventually ended, our own dependence on Mideast oil, we will continue to have an important stake in Western access to petroleum supplies in that region. With the exception of Great Britain, our allies import a much larger percentage of their oil than we do. Western Europe and Japan will depend on Middle East oil for years to come. America must be prepared to cooperate with our allies to advance our common interests in that region in the years ahead.

And we must focus on the real security needs and the clear and present dangers to Mideast nations. For example, the threat to Saudi Arabia is not only external invasion but internal decay and subversion from the PLO and other Soviet surrogates.

We must work with Israel, Egypt, and the Arab states opposed to Soviet expansion to deter the Soviet danger. The Russian invasion of Afghanistan and Moscow's support of subversion have turned the region into a cockpit of potential conflict.

We must ensure that the defensive arms we supply to Egypt and other moderate states in the region will be aimed in the right direction—and never against Israel.

We must maintain a credible military presence in the Persian Gulf and Indian Ocean. We should strengthen our air and naval forces, improve our airlift and sealift capabilities, and establish effective military communications. We should negotiate access to facilities such as the Etzion air base in the Sinai, to assure that our military power can be mobilized credibly and effectively to meet any future emergency.

It is equally clear, however, that America cannot stand astride the Persian Gulf solely

on its own. Our allies have equal or greater interests in the security of oil supply. As Senator Jackson has said, "We must enlist our friends and allies in a broad effort to provide for the common defense . . . NATO nations must be prepared to act." Close military coordination with our allies must assure that the shipping routes which form the world's lifeline remain free.

We must also move to support Egypt and President Sadat, who has taken real risks for peace—for the sake of his nation and the future of the Middle East. We must show the world the benefits of peace. This means effective economic assistance to Egypt. And this means continued assistance to assure its ability to defend itself.

Above all else, we must strengthen our alliance with Israel. That alliance is vital to the success of any American policy in the Middle East and Persian Gulf. Together, Israel and Egypt already constitute a bulwark against Soviet expansion. They are the cornerstones on which we must build the regional stability we seek.

Our bonds with Israel are deeply rooted in moral commitment and common values. And they are founded on a realistic view of America's own security interests.

It is a fundamental fact that Israel is America's strongest and surest ally in the Middle East.

It is a fundamental fact that Israel deploys the most powerful armed forces in the region.

It is a fundamental fact that Israel has protected American interests in the past, and that Israel will do so in the future.

Support for Israel is not an act of charity; it is an act of national security. And America must never barter the security or future of Israel for a barrel of oil.

It is not always easy for Americans to understand the special burden on the people of Israel. We do not have to live in a sea of hostility and fear. But the people of Israel do. We do not have to endure each day in the face of terrorist threats. But the people of Israel do. We do not have to live our lives surrounded by nations pledged to destroy us. But the people of Israel do.

As Israel's delegate once told the United Nations, "Israel alone amongst the nations of the world faces a battle for its security anew with every approaching nightfall and every rising dawn."

Peace is all that Israel asks.

Peace as the prophet Micah wrote, so that "They shall sit, every man under his vine and under his fig-tree, and none shall make them afraid."

Peace, as the Torah teaches, so that "The desert shall rejoice, and blossom as the rose . . . and they that wait upon the Lord shall renew their strength."

In the 1980s, we must renew the strength and credibility of American policy. We must stand for ideals, and with our allies. We must end the era of false starts, of empty bluffs, of surprises about our adversaries, of stumbling into crises that never should have happened. No nation, least of all the Soviet Union, should be in doubt about America's interests and intentions.

We have learned anew in recent months what we do, or fail to do, at home can mean failure or success abroad. We know now that energy security is a vital element of national security. And as the Anti-Defamation League has tried to teach us for many years, we must match our power to our principles—in our dealings with friends and foe overseas—and with all the citizens of our own country.

The new decade beckons America with

great challenges and opportunities. It calls upon us to end this era of uncertainty and retreat. It calls upon us to reshape our destiny. It asks us, in a word, to be faithful to our stewardship of this land, and to go forth again with our nation's light held high at home and in the world.

#### STATEMENT BY SENATOR EDWARD M. KENNEDY, CONFERENCE OF PRESIDENTS

It is an honor and privilege to have an opportunity for the fourth time in my public career to participate in a Conference of Presidents event and to meet with the leadership of the American Jewish community.

I want to thank Ted Mann for his gracious words of introduction and Yehuda Hellman for all he did to welcome me back to 515, and to all of you—many of whom I have known for many years—for sharing this time.

As you know, I spoke this morning about the problems America faces at home and abroad and what I believe are the fundamental issues of the 1980s. I spoke about the need not just to respond to crises after the fact, but to anticipate and to prevent them. I spoke about the need to respond effectively—with strength, not symbols—to threats from the Soviets and Arab radicalism following the brutal invasion of Afghanistan. The need to obtain the release of all American hostages through a UN Commission. The need to avoid a second Cold War. The need to reduce our energy dependence on the Persian Gulf and to bring inflation under control—including a freeze on inflation in all parts of our capsize economy.

It is clear that these are difficult times for the United States in world affairs. But I take comfort—and am heartened—when I consider the enduring special relationship between America and the State of Israel, a democratic ally—tried, trusted, and true—a friend that can be relied on.

Eighty-six days ago, before Americans were taken hostage in Teheran, there were some who questioned this relationship. In these days of upheaval in Iran and Soviet aggression in Afghanistan, it should be easier for people to grasp the importance of the special relationship—and to understand why it must be strengthened and never jeopardized.

If the bonds which unite our country with Israel were only those of moral obligation, we would still feel a special responsibility to insure the survival and well-being of Israel. The secure existence of the reborn Jewish state, built on the ashes of the Holocaust, is a moral imperative.

But this is only one part of the special relationship. Too often ignored or purposefully slighted is that Israel is a proven and indispensable strategic asset in its military and intelligence contributions to America and to the Western World.

Our alliance with Israel is an alliance based on common democratic ideals and mutual benefit. In the critical region of the Eastern Mediterranean and the Middle East, Israel is a rock of strength, stability, and friendship.

We must never barter the freedom and future of Israel for a barrel of oil—or foolishly try to align the Arab world with us, no matter what the cost. Indeed, Israel and Egypt already constitute a bulwark against Soviet expansionism and are cornerstones for the wider regional alliances we must seek.

As America prepares to defend its interests in the Persian Gulf region, the importance of our alliance with Israel grows.

This moral and geopolitical reality is the basis of my 17-year record of staunch and sustaining support for Israel. I know that in advocating Israel's cause, I am, inevitably, advancing the cause of America.

The reverse side of that coin must also be understood. The inability of the United States to put together an effective energy conservation program and energy alternatives program hurts America—and hurts Israel.

This morning I announced my support for a program of gas rationing—now. That program is vital to the national security of America—and no less important to the future of Israel.

Gas rationing is the only fair and effective way we have to cut our dependence on Persian Gulf oil. Cutting oil imports from the Arab countries frees American policy from the threat of blackmail and is the best assurance that America will do what is right for Israel—and what is in our long-term national self-interest.

The inability of the United States to put meaningful limitations on the numbers and quality of nuclear weapons possessed by the superpowers—and to reverse the dangerous trends toward nuclear proliferation in Pakistan and Libya and other countries—presents a real danger both to America and to Israel. Unending inflation in the United States weakens our national security—and that of Israel's as well. Declining economic justice at home makes it that much more difficult to contribute to economic growth in Israel, in Egypt, and in other key areas of the world.

"These are the issues of deepest concern to me, and these are the problems with which we must come to grips and overcome in the shortest period of time possible.

It is in this context that I put before you today my record, through thick and thin, of my lengthy association with Israel.

Indeed, my direct involvement with Israel predates my Senate career, beginning with the first of my five visits to the Holy Land.

Just as I fought for the transfer of F-4s during the war of attrition, so did I battle for immediate arms shipments during the first perilous days of the Yom Kippur War, before Israel's gallant warriors turned the tide of battle.

I spoke out and voted against this Administration's sale of advanced fighter aircraft to Saudi Arabia, an issue of critical importance to Israel.

I have never been cowed by economic blackmail, and I have never hesitated to counter those who would yield to such threats.

During my Senate career I have supported every Foreign Assistance bill as well as special measures appropriating funds for Israel.

Last month, I called for a \$350 million increase in aid to offset Israel's spiraling inflation and added energy costs.

And my concern and efforts have extended beyond the Israeli Government to the people of Israel, and especially to those Jews in the diaspora who are still experiencing the evils of anti-Semitism from the Soviet Union to Argentina. It is here that I have tried to demonstrate that concern can be translated from rhetoric into substantive action, to offer an example of the political power of individual initiative.

And I note with a deep sense of pride and satisfaction all the families from the Soviet Union, Romania, and other countries I have helped to reunite, and the newly-released dissidents on whose behalf I intervened—courageous men and women like Ben Levich and Boris Katz and his daughter, Jessica, who sought to exercise their inalienable right to free emigration and who now bask in the sunshine of free societies.

The exile of Andrei Sakharov is but one demonstration of the dangers ahead. During my September 1978 trip to the Soviet Union, I met with Dr. Sakharov and other prominent



dissidents. In our meeting, the dissidents stressed the human right to live in peace. Unfortunately, we are now engaged in increased confrontation and we are faced with deteriorated respect for human rights in the Soviet Union. Just last week, Anatoly Shcharansky passed another birthday and lost his father while languishing in prison—and he is one more example of increased repression in Soviet society.

I come before you today to express my deep concern with the policies pursued over the last three years by the Carter Administration—if indeed it is even appropriate to characterize the incoherent, inconsistent set of stops and starts as policy.

The October 1, 1977 U.S.-Soviet joint communique was only the beginning. Although President Carter's awakening to Moscow's global designs is quite recent, how could he have thought even then that it would be healthy or constructive to invite the Soviets to play a role in the peace process? A Middle East peace is the last thing Moscow wants. Only the outcry in Congress and President Sadat's visit to Jerusalem derailed the Administration's express to Geneva.

What lies behind President Carter's on-again, off-again flirtation with the PLO? What lies behind the support he has received from Crown Prince Fahd for his re-election and behind Arab expressions of approval for his pro-Palestinian positions? I have said publicly, and I reiterate here today, that no member of a Kennedy Administration will ever negotiate or in any way deal with representatives of a PLO committed to the destruction of Israel.

I agree with AFL-CIO President Lane Kirkland when he said to one of the member organizations of the Conference of Presidents 14 days ago in Philadelphia, "It is no accident that the Ayatollah's gunmen receive their training from the PLO and that Yassir Arafat has offered materials and political support to Khomeini's campaign to humiliate the United States. . . . A Palestinian state . . . would be a pro-Soviet state in the energy heartland of the world. . . . To permit establishment of such an entity in the wake of the Soviet invasion of Afghanistan and the continuing threat to Israel would be geopolitical disaster for the United States."

How often have threats and pressures, veiled and explicit, been used by this Administration in attempting to coerce Israel? I have never heard Arafat or Khaddafi described as stubborn or intransigent.

Think how long it took the President to come out and acknowledge that Israel had absolutely nothing to do with forcing the resignation of his Ambassador to the United Nations—only to permit his national security adviser to shake hands with Arafat in Algiers. Consider the damage that had already been done by then. As one committed to racial justice and the alliance of Jews, blacks, and all good people in pursuit of that goal, I was heartsick over the intolerance bred of Administration insensitivity and incompetence.

In the absence of a coherent policy, Mr. Carter has remained committed to the chimera of a "comprehensive" settlement. What sort of settlement can Israel expect from this President electorally unfettered in his second term?

I noted last Wednesday night that Mr. Carter in the prepared text of his State of the Union address—sent to the press and all foreign governments—dropped the sentence included only for his American television audience: "Let no one doubt our commitment to the security of Israel." If Mr. Carter wanted no one to doubt his commitment, why did he withhold it from the rest of the world?

This administration is obsessed with the notion that the solution to the problems of

the Middle East and Southwest Asia depends on the West Bank and Gaza Strip. This facile panacea proved wrong in the past, and remains wrong in today's turbulent world. The presence of a Soviet-dependent PLO state would undermine even further the stability of the region and the security of Israel.

Why does the Carter Administration insist on publicly calling the old city of Jerusalem as "occupied territory?" I recognize the millennial Jewish identification with the City of David, and I am committed to both an undivided Jerusalem and an Israel with secure, defensible, and recognized borders.

Today, I have come to share some common concerns with fellow friends of Israel. No matter what the future may hold, my concern for Israel will remain unwavering. Israel is not just a Jewish issue; it is a moral and security issue for all Americans.

The words of the father of political Zionism resonate deeply within my soul and my personal experiences.

Theodor Herzl asserted: "If you will it, it is no dream." With a strong, united will, we can realize the long-cherished dream of an Israel at peace with all its neighbors. And we can work for the day when Israel's neighbors will be at peace with themselves. ●

### CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. The time for morning business has expired.

### EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an extension of time for morning business in which Senators may speak of up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RAILROAD TRANSPORTATION POLICY ACT OF 1979

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Nevada (Mr. CANNON), I ask unanimous consent that in the engrossment of S. 1946 the following amendment be considered to have been agreed to:

On page 52, strike lines 11 through "further," on line 14, and insert in lieu thereof the following: "Provided, however,"

This technical amendment was discussed by Chairman CANNON at the time we considered the bill on April 1, 1980. He described this change as intended to delete a proviso in section 105 to correct an ambiguity in that section. However, it was inadvertently omitted from the list of technical amendments sent to the desk.

It has been cleared with the minority. The PRESIDING OFFICER. Without objection, the amendment is considered to have been agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AUTHORITY FOR COMMITTEES TO FILE BILLS, REPORTS, AND CONFERENCE REPORTS DURING RECESS

Mr. ROBERT C. BYRD. I ask unanimous consent that committees may file bills, reports, and conference reports during the recess on Wednesday, April 9, from 12 o'clock meridian until 3 p.m., and on Friday, April 11, from 12 o'clock meridian to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECESS UNTIL TUESDAY, APRIL 15, 1980, AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, with deep appreciation to the distinguished Senator from Wisconsin (Mr. NELSON) who presently presides over the Senate, and with good wishes to all who are about to depart this Chamber, including our guests in the galleries—and those good wishes include the desire that all may enjoy a happy Easter and may reflect upon the deep meaning of the holiday, and if they are looking for a place to vacation they will go to a State which is almost heaven, West Virginia—I move, in accordance with the provisions of House Concurrent Resolution 312, as amended, that the Senate stand in recess until the hour of 11 a.m., until Tuesday, April 15, 1980.

The motion was agreed to; and at 12:50 p.m., the Senate recessed until Tuesday, April 15, 1980, at 11 a.m.

### CONFIRMATIONS

Executive nominations confirmed by the Senate April 3, 1980:

#### DEPARTMENT OF COMMERCE

Herta Lande Seidman, of New York, to be an Assistant Secretary of Commerce.

#### SECURITIES AND EXCHANGE COMMISSION

Stephen J. Friedman, of New York, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1981.

#### DEPARTMENT OF STATE

Julian Nava, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico. Joseph C. Wheeler, of Virginia, to be Deputy Administrator of the Agency for International Development.

#### U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

David Bronhelm, of Connecticut, to be an Associate Director of the United States International Development Cooperation Agency.

#### UNITED NATIONS

Joan Edelman Spero, of New York, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### THE JUDICIARY

Truman McGill Hobbs, of Alabama, to be U.S. district judge for the middle district of Alabama.